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A Journal of Opinion

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Momentous Week

We cannot remember another recent week when there were so many or so momentous international developments as there were during the seven days ending June 11. Russia gave way on the question of the veto over discussion in the Security Council, thus assuring the successful conclusion of the San Francisco Conference. The House of Representatives in Washington voted overwhelmingly for the Bretton Woods plan. Mr. Justice Jackson, American prosecutor of war crimes, laid down the principle that aggressive war is itself to be considered a violation of international law and that the United States proposes to prosecute all surviving members of Hitler's government, even though some other countries may decline to join in the action. The disputed question of Trieste was settled, at least temporarily. Undersecretary Grew flatly denied the reports which have been circulated by Arthur Krock of the New York *Times* and others that Korea had been secretly promised to Russia. From London came indications (no doubt connected with the British electoral campaign) that the Churchill government is trying to get some solution of the Indian problem.

On the bad side of the ledger, we must record the action of the Senate Finance Committee in striking from the proposal to extend the reciprocal-trade-agreements act authority to reduce tariff levels by as much as 50 percent in bargains with specified countries regarding specified products. This action, if finally sustained by Congress as a whole, would severely cripple the entire effort to reduce tariffs and encourage world trade. Pétain again repeated the story that he had had a secret agreement with Churchill and that some of the actions to which the Allies are now objecting were carried out under that agreement. London and Washington were disturbed because Russia acted alone in announcing the boundaries of the occupation zones in Germany. She may have done so by inadvertence—liaison among the Big Three is still extremely poor—or she may have felt it was necessary to get the agreement on record lest London or Washington, in view of the amazing rise of anti-Russian feeling in both capitals, might try to change the terms. The Syrian mess remained about as bad as ever. The British-influenced Pan-Arab League denounced the French, the French still wanted a five-power conference to deal with the matter, including Russia and China, and Churchill and Truman still stood out for confining the discussion to Britain, France and the USA. Logically, and in view of the spirit of the San Francisco charter, the French proposal seemed preferable.

Germany: East and West

Word has come from Berlin that General Zhukov has authorized the reconstitution of all anti-fascist political parties as well as all trade unions in the Russian zone of occupation. This declared policy of the Soviets compares favorably with our own policy in Bavaria which is described elsewhere in this issue of the *New Republic* by Mr. Philipp Loewenfeld. While the Russians are squarely tackling the problem of rejuvenating democracy in Germany by encouraging anti-fascist democratic forces, American policy, under the "non-political" label, is discouraging democracy by giving power to the most discredited and reactionary of Bavarian politicians. Once more it is clear that the Russians are out to make friends of a conquered people,

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while our policy can only have the effect of making enemies. Unless this policy is quickly changed, it will have the same disastrous consequences that it had in North Africa and Italy. Once again we are making the Russians the protagonists of democracy by default, and it would not be surprising if sooner or later the German people in the Western zones of occupation came to regard Russia as the real guarantor of their freedom, political and economic.

Procrastination in Italy

A radical change in Italy's governmental set-up is overdue. Made necessary by the real revolution that took place in Northern Italy between April 25 and the end of hostilities, it has been delayed by the procrastinating tactics of the Allied occupying powers which do not want to admit the vitality of the country's democratic forces. Instead of supporting and encouraging these forces, the Allied Control Commission has kept in power the shadow government of Premier Ivanoe Bonomi, which is not permitted to take any effective action on its own accord. But of all the liberated countries, none has shown greater political maturity than once fascist Italy. The six parties composing the Committee of National Liberation, putting disagreements aside, are clamoring for a change which, if carried out, would amount to more than a routine cabinet reshuffle. A necessary prerequisite, however, to the holding of national elections for a constitutional assembly is the complete withdrawal of the Allies from the Italian political scene. This has now been demanded by Pietro Nenni, the leader of the democratic Socialist Party and the man most likely to become free Italy's first really independent Premier. Nenni, a firm believer in unity on the Left, is a practical statesman who has the support of the Communist Party and who gets along with the powerful Christian Democratic Party whose bid for the premiership he has rejected. He also enjoys the confidence of the liberal Action Party. The only obstacle, then, to a change in Italy is Allied policy, which must be revised immediately if Italy is to have a democracy that is worthy of the name.

Fitzpatrick in the St. Louis Post-Dispatch

Where the Quota Is Not in Bonds

Cartel Detective Story

It has been charged that international cartels are preparing to resume activities after the war, with their old German partners. The interests of these partners, such as patents, are said to have been protected for the duration by transfer to American or British companies. Acting on this belief, the Alien Property Custodian of the United States seized 2,500 patents from a Louisiana corporation named Jasco, which is a wholly owned subsidiary of the Standard Oil Company of New Jersey. The patents in question, covering gasoline products and synthetic rubber, were transferred to it from I. G. Farben, the great German chemical monopoly. Standard Oil is now suing the government to get them back.

While the suit was being tried, the government found in Germany the former chief of I. G. Farben's legal and patent departments, Dr. von Knieren, flew him to the United States and sprang him as a surprise witness. It introduced the German copy of the agreement embodying completion of the transaction in 1939, which was discovered in the bombed I. G. Farben offices. Opposite the first paragraph of the agreement was written "Nachkrieg camouflage" (post-war camouflage). Dr. von Knieren identified the document and testified he had written the marginal note.

In a detective story this would probably clinch the government's case. It should be noted, however, that the court ruled that the evidence could not be used to prove the intentions of I. G. Farben, since such intentions are legally irrelevant. Standard Oil, of course, may be presumed to have been unaware of any such intent and to have acted in perfect faith.

Mr. Jackson Reports

Mr. Justice Jackson's report to the President on the punishment of German war leaders is likely to become a classic in legal literature. As Chief Counsel for the prosecution representing the United States, he had to lay the basis for dealing with "major criminals whose offenses have no particular geographical localization and who will be punished by joint decision of the governments of the Allies," according to the Moscow declaration of the Big Three.

These war leaders cannot be summarily tried for breaches of the laws of war, or in most cases for crimes against specific persons on specific occasions. Nevertheless, as Mr. Justice Jackson points out, they

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assumed responsibility for acts which are recognized as crimes under the laws of all nations. They may be defended on the ground that, since the acts in question were committed in the course of waging war, international law exempts them from blame. The report, however, points out that this contention is contrary to the original spirit of international law and arose in recent times. It can be upset by demonstration that aggressive war is itself contrary to law. Acts which are ordinarily criminal, and which are committed in pursuit of national interest in an unjustified war, are therefore not exempt. The establishment of this principle by solemn procedure before a competent international tribunal would be an epoch-making precedent, symbolizing the will of the world to peace.

Fair Employment Practices

As this is written, there is real danger that we may lose much of the ground we have gained under the New Deal in assuring fair employment practices for minority groups. A sneak attack by some members of the House Appropriations Committee resulted in no recommendation of funds for the President's Committee on Fair Employment Practice. The omission was explained as simply a delay "to await legislative developments" on a permanent anti-discrimination program. At the same time, the House Rules Committee was blocking consideration of such permanent legislation by refusing to give the pending Norton bill a rule.

Those who want federal guarantees against job discrimination are temporarily boxed in. Some parliamentary experts fear that even if the original appropriation request were restored by the Senate committee, it might be stricken out from the floor on a simple point of order. In that case, a fight would be made to include the FEPC in a deficiency-appropriation bill or to rush through the bill for a permanent committee. Lacking a rule, this would have to be done by means of a discharge petition signed by two-thirds of the House.

This fight has again revealed the blatantly undemocratic nature of House procedure and the need for its reform. Meanwhile, we too still have to resort to parliamentary tricks to find a way to preserve what tools against discrimination we now have.

Time and the Nisei

If you can get a copy of *Time* for June 11 (preferably of course without buying it), we commend to your attention the article on page 18 entitled "Community Arrangement." This is an account of a recent attack on a Japanese American by a Californian, which shows all possible sympathy for the attacker and none at all for the victims. *Time* tells how the Californian, Levi Multanen, walking home from jackrabbit hunting, "thought of his nephew, long missing in the South Pacific. That reminded him how much he hated Japs." As he passed the home of a Japanese American, Charles Iwasaki, he "impulsively leveled his shot gun, fired four times. He walked home, feeling better. The Iwasakis, scared but unwounded, did nothing."

Time says there have been seven cases of violence against Nisei in the San Joaquin Valley and therefore "it seemed time for at least a gesture of law and order." Then follows an account of the trial, in which Justice of the Peace L. B. Crosby sentenced Multanen to six months in jail and promptly suspended sentence. *Time* reports a protest by Secretary Ickes, and the defense by Judge Crosby that his decision was "a community arrangement." It also quotes an anonymous local resident as saying that "if the Judge had been any tougher, he would have been run out of town."

Time carefully omits any indication that this incident was one of more than twenty recent attacks on the Japanese Americans along the Pacific Coast, which have included the use of firearms, dynamite and arson; that they represent an outcropping of disgraceful, completely unjustified racism, which is on all fours with Hitler's contempt for every inhabitant of Europe except the Germans; that the community attitude of the California town condones lynch law. We have no doubt that *Time* will try to hide behind the plea that it just reports the news. We have no doubt, either, that any fascist-minded Californian reading this article will feel he can safely attack the next innocent Japanese American he meets, with the assurance that *Time's* "factual report" will all but pat him on the head for his act.

More Truman Appointments

President Truman's announcement of another series of appointments to top administration jobs further strengthens liberal opinion in his favor. It didn't take the Deutsch-*PM* incident to awaken most Washington observers to the inadequacies of General Frank Hines as Veterans' Administrator. General Omar Bradley of the 12th Army Group is as popular a choice to take over that tough job as Mr. Truman could have made. Paul Herzog, a young career labor lawyer, former chairman of the New York State Labor Relations Board, has been readily accepted by all branches of organized labor as a suitable chairman for the National Labor Relations Board. W. Stuart Symington, chosen to succeed Guy Gillette as chairman of the Surplus War Property Board, is little known in Washington. But those who have had dealings with him as president of the Emerson Electric Company of St. Louis predict that he will be up to the heavy requirements of his new job. In naming John B. Hutson to replace Undersecretary of Agriculture Grover Hill, President Truman was removing one of the chief opponents of progressive agricultural leaders and replacing him with their former top choice for Secretary of Agriculture.

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Military Review

The advance of the Chinese armies toward the coast at the angle where their country joins Indo-China continues, but the behavior of the Japs there is in such marked contrast to that elsewhere—Okinawa, Tarakan, Mindanao—that no other evidence seems required that this represents a withdrawal rather than a victory. It is doubtless as part of the same general realignment that Premier Suzuki speaks of all Japan as transformed into a "catacomb fortress" and of "new methods" to be followed in suicide attacks. Surrender to the Allies (he continues) would mean nothing but the outright death of 100 million Japanese.

There is something curiously familiar about this. It is the idea and (allowing for the language difference) almost the phrases employed by the unlamented Goebbels in the dying days of the Third Reich. The part about the catacomb fortress also bears a rather striking resemblance to what we used to hear from France about the Maginot Line in the days before 1940. We know exactly how well both of those attempts to make a war of national desperation around a fortress-core turned out, and the argument from analogy is that when the troops do begin to pour across the beaches of Honshu, they may accomplish their task with far less difficulty than anyone now anticipates.

Of course, historical analogies can seldom be followed to their conclusion, and it would be idle to deny that the Japanese educational process has succeeded in producing a national difference in the spirit with which the soldiers of the two Axis countries approach war. Mr. Lowell Limpus has calculated that the Japanese armies have already lost not far from 750,000 men, not including those marooned on places like Wotje. Probably not more than 5,000 of them are prisoners, if that many. In German forces which had lost that number, a good half of the figure would be represented by surrenders. The Germans were still riding very high indeed when the first big hauls were made at Stalingrad and Tunis.

But certain signs are not wanting that the boasted impregnable morale front of Hirohito's empire is beginning to crack at last; not to an extent that promises any less severe fighting, but to one that indicates we may not have to kill off a hundred million Japanese. One is the panic reported in Tokyo in the famous Gayn article in *Collier's*. This is not merely the fear of people struck by a war with which they had little to do. Those ravaged districts in the Japanese capital (and in other cities as well) represented one of Japan's most ingenious attempts to protect her war industries, particularly the aircraft industry, against attack from the skies. In all those little homes, street after street, some part was made or attached to another part; and now they are gone and the workers require reorganization. The administrative difficulties are, no doubt, considerable, but any administrator would rather face them than deal with the evidences and effects of mass fear.

Another straw was an inconsiderable communiqué item reporting that in the first ten days of June our troops among the occupied islands (Guam, Saipan, Peleliu) had killed 10 more Japs and captured 129. This is so flat a reversal of the usual numbers that one would willingly know more as to how it was brought about, but for the present discussion the method is less important than the fact—129 Japs surrendered. Finally Premier Suzuki himself furnished what seems to be good evidence of declining morale with his remark that through the development of rocket planes and rocket ships the United States Navy had found means of cutting down seriously on the effectiveness of Kamikaze attacks.

There is more in this statement than meets the eye. If the navy really has a rocket that can stop a plane often enough to make the whole Kamikaze system ineffective, then it has achieved the greatest technical invention of the age. An accurate rocket would close down all the gun and ammunition factories tomorrow morning. But there has been no evidence of any such development beyond Suzuki's remark, and a good deal of evidence of something else that would also reduce Kamikaze efficiency—a shortage of Kamikazes.

Doubtless the defenses have been improved, particularly in the direction of rockets, but when the Japanese government announces that the entire naval air force is being converted to these suicide squads, a little healthy skepticism is called for. Japanese leaders are always willing to sacrifice lives, but getting the victims to agree is something else, even in Japan, and when the victim does not agree, you not only get an ineffective Kamikaze (which has happened), but you also begin to build up pressures against the leaders themselves. Similar pressures within Germany were unable to find any expression except in a generally lowered efficiency and an unwillingness to die for the Führer, but if they find even that much expression in the East, the war will be measurably shortened.

Scrambling Our Economy

THE ECONOMIC POLICY of the United States, as determined by Congress, is apparently based upon the assumption that most of the people cannot put two and two together. But the assumption is wrong, and for that reason the policy in certain important respects is not working. Let us trace a very simple line of cause and effect to illustrate the point.

Cause 1. In passing the social-security laws, Congress left unemployment insurance to the states, merely authorizing grants to those states which met low minimum standards. Many state laws give the workers so little protection that it is almost negligible. Con-

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gress also denied all insurance to employees of the federal government.

Cause 2. Congress has failed to amend the law, in spite of a specific appeal by President Truman to increase unemployment-insurance benefits and lengthen their term.

Cause 3. It is obvious that the need for workers in shipyards, plane factories and other war industries will be decimated as the war draws to a close. Some have already been laid off. Half our production goes for war.

Cause 4. No specific provision for new jobs has been made in the case of discharged war workers. Lay-offs have not even been coördinated with manpower shortages in munition plants.

Cause 5. The country has been given to understand that in reconversion to peacetime production no overall plan is to be in effect. Private enterprise is to be allowed free rein, in so far as plants and machinery become available. In other words, every man for himself.

Result. Workers are leaving war plants, and refusing to take new jobs in them, in order to be first in line for peacetime employment. The navy, in spite of desperate appeals, cannot get enough men to repair the ships damaged by the destructive Japanese attacks. If this does not imperil victory, it at least lengthens the war and sacrifices the lives of American soldiers.

No doubt the workers in question are sadly lacking in patriotism. They do not exhibit the self-sacrifice demanded of the men at the front. But if the very same workers who are following the national precept to look out first for yourself in economic affairs were in the army, they would probably be as brave and loyal soldiers as any. And if the soldiers were transferred to wage employment and were told that their jobs would soon come to an end and they would have to look out for themselves, with no help to tide them over, they would start doing so at the first chance.

The Republicans in Congress, with some Democratic aid, have long been doing their best to sabotage assurance of future jobs for both war workers and soldiers, by positive action as well as by negative. They abolished the National Resources Planning Board, which was busily at work on the problem. They have left hanging in the air the completion of a shelf of public works, which ought to be, but isn't, ready for an unemployment emergency. They are now doing their best to hamstring the OPA and take the curbs off prices, so that inflation may follow, with its inevitable consequence of deflation and unemployment. Only the other day the appropriation for the Office of Economic Stabilization was saved by a margin of just thirteen votes in the House of Representatives. They are also gnawing at the anti-inflation program by seeking to reduce taxes without waiting for the proper time. While it remains to be seen what they will do with the Murray full-employment bill, the chances are a hundred to one that they will keep it from coming to a vote as long as possible, and then will kill it.

The people of the United States have been taught to read. They can also remember when there was no war to create employment. They are deeply cynical about the motives of most of those holding economic power in this country and of the ability of private enterprise to maintain employment without governmental assistance. The people act accordingly. It is not the best way to act, especially while the nation is at war. But a government which prepares for a destructive free-for-all in the way of making a living while it is still defending its life against foreign enemies, invites—indeed it compels—such action.

If we do not suffer inflation, we may incur disastrous unemployment when Japan has been smashed. Government orders will shrink by perhaps $60 billion. Careful estimates indicate possible joblessness of six to eight million within the following year. Backlogs of civilian demand are supposed to fill this breach. But people who have no jobs or fear to lose them are not going to buy houses, cars and electric refrigerators. They are going to hoard their savings and dole them out for food, rent and clothing. Confidence on the part of the people is the essential basis for successful reconversion. Congress had better make haste to provide the basis for that confidence.

The Official Secrets Case

THE MORE WE CONSIDER the case of the six persons —two State Department employees, two New York editors, a naval lieutenant and a free-lance writer —who have been arrested under the Espionage Act for possessing or disclosing government secrets, the more serious the whole business looks. Obviously, discussion of the guilt or innocence of these persons should wait for their trial; but it is possible now to say that even if they are completely guilty, the measures taken seem unreasonably severe and the whole affair looks dangerously like an attempt by the State Department to terrify into silence its unfriendly critics while condoning, among its apologists and defenders, actions of the same character.

It should be noted, first, that these six persons are not charged with espionage. There is no suggestion from any responsible quarter that they were communicating official secrets to any foreign government, whether friend or foe. What they did was to publish in magazines information given them from State Department files, just as it has been given to hundreds of other journalists without the slightest question being raised. Some of the magazine articles that are now in question were submitted to, and cleared by, the Office of Censorship.

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The Red-baiting American press, such as the Scripps-Howard and Hearst newspapers, which are now almost indistinguishable from each other in their journalistic practices, have gone in for an orgy of sensational front-page headlines trying to lynch the six defendants in the court of public opinion before their actual trial takes place. These papers charge the defendants with being Communists, and imply that somehow Soviet Russia is involved. Those of the defendants who had issued statements on the case up to the time the *New Republic* went to press denied that they are Communists; but in any case, the issue seems irrelevant. To be a Communist is not a crime under United States law. The only effect of the witch-hunting by Hearst and Howard is to widen the breach between Russia and America and thereby to make the work of the San Francisco Conference a little more difficult, to hamper a little the negotiations of the Allies for the administration of occupied Germany and to cloud a little the prospects for Russian participation in the Pacific war, with a presumptive result of the expenditure of more American lives and money.

Every informed person in Washington knows that for government officials to give out allegedly "secret" documents to be summarized or used as background information is the commonest of procedures—so common indeed that it may fairly be called a standard governmental technique. On numerous occasions in the past, the State Department itself has done this, on behalf of favored journalists. Sometimes articles are advertised as being based on material of this sort; in the December, 1944, issue of *Harper's Magazine* there was an article defending our policy toward Franco Spain which bore every internal evidence of being of this character.

Just now a bitter debate is raging, inside the State Department and elsewhere, over two aspects of American foreign policy. Our government at present is firmly committed to the Chungking regime in China in its hostility toward the Chinese communists—a hostility which seems likely to flame out at any moment into civil war and is certainly muddying the waters as to relations among the United States, China and Russia regarding the whole Far Eastern situation. Many Americans, including the editors of the *New Republic*, believe this policy is short-sighted and dangerous, as much so as was the similar American effort to cling to Mihailovich in Yugoslavia long after it became apparent that Tito commanded far more support.

Again, it is official State Department policy, made largely by Undersecretary Grew, to keep Hirohito on the Japanese throne and to try to build the new Japan, after her surrender, on a group of powerful financiers and industrialists. Here, again, there are many people in the State Department and outside of it who feel that Mr. Grew's personal extreme conservatism is leading him into a possibly unwise policy.

It is significant that all of the six persons arrested a few days ago, in so far as their views are known, strongly disagree with both the Chinese and Japanese policies the State Department is now pursuing. This fact must be coupled with another of substantial importance. The State Department admits that any policy-making official may at any time "declassify" any secret document and reveal its contents to a journalist, even without revealing this fact to other policy-making officials of the department.

You thus have a perfect situation, under which the State Department can, if it chooses, reward its friends with choice bits of inside information while arresting, under the Espionage Act of the First World War, unfriendly critics of its policies among journalists and their sympathizers in the department itself. Even if it were wisely used, such power is dangerous and undesirable in a democracy, and officials sensitive to democratic processes would not wish to have such responsibility. It seems to us significant that the department waited until the death of President Roosevelt and the removal of Francis Biddle as Attorney General before taking these steps. They have been paralleled, incidentally, by a purge of the American embassy at Chungking. Ambassador Hurley has sent home every man on the embassy staff who was not wholeheartedly behind the dubious regime of Generalissimo Chiang Kai-shek. The action made a clean sweep of practically all the best American representatives in China.

Mr. Grew, before he became Undersecretary of State, was for many years American ambassador in Japan. That country at that time possessed a "dangerous-thoughts" law under which people could be, and many thousands were, severely punished for holding unpopular views even though they never did anything to implement those views. We think Mr. Grew should consider carefully whether he and his like-minded colleagues are not bringing the same principle into American life.

THE NEW REPUBLIC

A Journal of Opinion

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The Divided Supreme Court

Principles or Personalities?

THE SUPREME COURT today is composed of seven Associate Justices appointed by President Roosevelt, a Chief Justice promoted from the rank of Associate Justice by President Roosevelt, and one Justice appointed by President Hoover. That court, although predominantly appointed by one President, is as deeply divided on basic questions as was the "Old Deal" Court which Roosevelt sought to rejuvenate with his Court bill of 1937.

Yet, paradoxically, the Court is today virtually united on the issues which split the pre-Roosevelt bench. No one can now doubt that under the Constitution the federal government and the states have abundant room to experiment with devices for the control and improvement of the economic system; and the unanimity with which all candidates in the last election supported social security, agricultural benefits and the National Labor Relations Act makes it hard to realize that only seven years ago the constitutional power of the government to undertake such projects hung in the balance.

The issues which formerly divided the Court have thus become not only legally, but politically, extinct. From 1900 to 1937 there existed grave doubt in the public mind as to whether social reform by government was desirable, and grave doubt in legal minds as to whether it was constitutionally possible; but today both doubts have generally disappeared. The categories of "liberal" and "conservative" to which Justices were once consigned in popular opinion have lost all meaning; for today, in terms of the issues of the 1930's, almost all Supreme Court Justices are "liberal," just as in terms of the standards of 1930, most responsible political leaders are "liberal."

It follows that for a proper understanding of the new Court, one must determine the new issues; and having determined them, it is possible to assess the stand of the individual Justices on them.

But, first, some underbrush must be cleared away. The suggestion has been made that the new Court operates on a "personal" basis; that is, that Justices allow their attitudes toward one another to control the results of particular cases. This is said to be shown by alleged personal bickerings among the Justices which find expression in their opinions. And, finally, it has been asserted that a bloc of three Justices—Black, Douglas and Murphy—are operating as a tightly knit group, without regard to law as it is generally understood, to write their will into the decisions. These charges are serious. If they are true, they explode the thesis of this article, that new times have brought new issues which have created meaningful divisions among the Justices as well as in the rest of the country. If true, they mean that the Court is divided not by issues in the national sense, but by personal predilections, of trifling base, which have no real meaning and which could justifiably be considered as degrading the Court and disgusting the country.

But the charges are not true.

It is true that Justices Black, Douglas and Murphy frequently see the same issues and reach the same results in particular cases. This is, of course, not always so. For example, on a recent decision day, the three Justices divided on four important cases, and on another recent occasion Black and Frankfurter dissented together on three cases.

Hence, the unanimity of these three Justices may be overemphasized; but there is no great importance in whether it is or not. There is nothing unusual in finding that groups of Justices customarily think in much the same way. Other such mental teams are familiar in the history of the Court. Holmes, Brandeis and Stone, or the later group of Brandeis, Stone and Cardozo, were familiar triumvirates. And as long as the Court has nine Justices, it is more than likely that the members will tend to coalesce into groups smaller than the total of nine. That such a group will, on occasion, dominate particular decisions by virtue of temporary adherence of other Justices who do not so frequently agree, is no more surprising today than it was in the year 1937 when, under the impact of Roosevelt's Court plan, Hughes and Roberts swung into line with Brandeis, Stone and Cardozo.

The reason for the emphasis on the personal aspect of Court relations in the public mind is, primarily, that newspapers are seldom able to present more significant aspects of decisions to their readers. This is not because of any particular impulse toward yellow journalism, but because the cases are normally extremely technical, so that it is difficult for even the experienced reporter to appreciate their true meaning and almost impossible for him to translate them into a readable story. For example, probably the two most important cases from a social standpoint at the 1942 term of court were the stock-dividend-tax case and the Tennessee Valley Authority eminent-domain case. The former involved a basic question of the freedom from income taxation of the largest aggregations of personal wealth in America; the latter involved the entire future of government-utility projects. Yet neither case received any appreciable news coverage. Instead, the papers,

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apparently unaware that for years dissents have followed an almost standard pattern of claiming right and virtue for themselves, and that for years each side on most decisions has asserted that it alone respects the will of the legislature, have suddenly turned relatively insignificant cases into evidence of a major judicial war.

The failure of public understanding sometimes results in almost fantastic confusion. For example, Westbrook Pegler recently published a column attacking Mr. Justice Black, one of the foremost defenders of civil liberties on the Bench, for alleged anti-civil-liberties views. The worst victim of this confusion is Mr. Justice Frankfurter, who is widely, and with some accuracy, described by liberals as being the most conservative of Roosevelt's appointees and who is under constant and bitter attack by extreme conservatives as being the most radical of his appointees.

Certainly there are some members of the Court from whose work it would be impossible to extract even a single graceless or too hearty phrase. Justices Reed and Rutledge are almost invariably restrained, and Mr. Justice Murphy, although vigorous, is normally gentle. The others have somewhat different backgrounds as forceful teachers, jury lawyers or legislators, and they frequently carry into their opinions, as a matter of personal style, the same forcefulness which attended their pre-Court vocations.

Let us take for example a 1944 case in which an alleged judicial "feud" was carried before the public by the excessive zeal of one of the Justices. The case attracted wide public attention at the time of its decision, although the entire furor was raised because of widespread public misunderstanding of the issues involved.

The case itself was an intricate bit of patent litigation. The issue raised was whether the Court should take the occasion to disavow a judicially created doctrine of patent law known as the doctrine of contributory infringement. Briefly, this doctrine broadens the patent holder's monopoly over the production and distribution of the patented article to a considerable extent in a fashion which would be lost to him if the doctrine did not exist.

The Court, through Mr. Justice Douglas, decided the case without finding it necessary to deal squarely with contributory infringement, although it did discuss the subject at some length. Mr. Justice Frankfurter dissented, arguing that the contributory-infringement rule was based on "law and morals."

Since Black is deeply interested in patent law, he was evidently not content to let the issue go without considering it further. He wrote an opinion concurring with Douglas, not in itself an unusual practice, explaining that in his view the questions involved were not problems of morals and ethics at all, but issues of congressional policy. Hence, he argued, the Court should, in deciding the case, look exclusively to the acts of Congress and their legislative history, and not to "the writer's personal views on morals and ethics."

For some reason, the opinion made the headlines. Why will never be fully understood. It would appear from the decision that the difference was the age-old controversy over the existence of a "natural" law as distinguished from the more customary "statute" or "constitutional" law, a difference taking shape in the somewhat unusual context of patent litigation. The dispute was an innocent one, but the papers took up the case. The result was a series of commentaries, doubtless wholly unanticipated by the Justices involved, which gave an unrelentingly bad press to the Court.

The differences among the members of the Court are real in the sense that they go to the merits of particular cases. To reduce them by description to the level of personal squabbles is to ignore the intensity with which strong men can hold ideas.

There have been issues over which, in the years since 1940, Supreme Court Justices could easily divide. These issues may be divided into two major categories, economic issues and civil-liberty ones. Primarily economic issues are: questions of anti-trust law; patents; rate regulation and the regulation of corporations generally; labor law; the status of administrative agencies; the effectiveness of taxation. Primarily civil-liberty issues are: the function of the jury in civil cases, the right to counsel and the limits on forced confessions in criminal cases; and freedom of speech, press and religion. On all these issues, patterns of judicial views can be worked out which reflect the differences of opinion among the Justices and suggest the true grouping of the Justices into various camps.

One word of caution is essential: The Justices are limited in their differences by the logically and legally possible. They are, after all, judges and not legislators. They must operate within the confines of the particular statute or constitutional provision which they interpret. In other words, they are not free to declare even to themselves, "This is the result I think socially desirable and I will therefore achieve it." But in a large number of the issues of law sufficiently grave to come before the Supreme Court of the United States there may be room for honest difference of legal opinion; and within the confines of that honest difference of opinion, the Justices necessarily may be affected in their choice of the rule of the case by the composite of their training, background and social inclinations.

With the understanding, then, that the Justices possess real, but limited, discretion, we come to the issues before the Court.

Anti-monopoly cases may take two forms, either as attacks on trusts directly or attacks on patents. A patent is, of course, a monopoly over a particular article of trade, and patent pools and patent licensing are frequently the basis of both domestic trusts and interna-

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tional cartels. When a square anti-trust issue is drawn, as for example in the now famous insurance case, Black, Douglas, Murphy and Rutledge are almost certain to use such discretion as they may have in behalf of "busting the trust." They are obviously opposed to any scheme which throttles competition or operates to charge the public non-competitive prices. In other words, they believe in free trade at home. The other Justices have somewhat similar attitudes, but may draw back on a particular application of the principle, as three of them did in the insurance case and as several did in the Hartford Empire case. When the anti-trust problem originates in a patent case, the alignments are similar. Roberts, Frankfurter and Jackson are most sympathetic to the patent privilege, with Jackson's position still unclear in some respects.

In the field of corporate regulation, and particularly rate regulation, the Black, Douglas and Murphy position is in effect that rates are legislative or administrative problems with which courts should not interfere at all. This view, which was accepted American constitutional law prior to 1890, had been declared by all three of the Justices, who constantly point to the years of delay which result from judicial participation in rate making. The delay, as they have frequently asserted, may result in no regulation at all. In this field, Mr. Justice Douglas has written some of his most brilliant opinions. The view of Black, Douglas and Murphy has not become the rule of the Court, but by acceptance of a somewhat modified position by Rutledge and Stone, the Court has moved markedly in that direction during the last two years. Roberts and Frankfurter remain the most voluble exponents of an opposing view.

In other economic fields the disagreements are between the same groups. The entire Court supports the validity of the wages-and-hours law, but Black, Douglas, Murphy and Rutledge are the most liberal from the standpoint of the workingman in applying it in particular cases, while Roberts, Frankfurter and Jackson are stricter. This field of law is a particularly good example, however, of the danger of over-generalization. The entire Court has on occasion denied the contention of the workman that the law applied to him, or decided for the workman. Similarly, the Black, Douglas, Murphy and Rutledge group has been most consistent in supporting the activities of the National Labor Relations Board and in interpreting the tax laws most rigorously to achieve maximum collections and prevent evasions. Yet of course on particular occasions the entire Court has held for the taxpayer and against the tax collector, or vice versa.

Speaking very generally, it is apparent from the cases that Black, Douglas and Murphy are the most frequent supporters of trust-busting, freedom of collective bargaining, the Wages-and-Hours Act, effective rate regulation and a tax system without loopholes, with Rutledge almost always standing with them. It is also apparent that in the doubtful cases, Roberts, Frankfurter and Jackson are most often on the other side. Stone and Reed stand generally in the middle and by virtue of that position can, as a practical matter, cast the deciding votes in an enormous number of important cases. This is said with the recognition that in particular isolated instances there may be at least a seeming complete reversal of pattern.

In the field of civil liberties, patterns again emerge. There are clearly two polar viewpoints. Most ardent in the protection of the individual against the power of the local, state or national government is Mr. Justice Murphy, who almost without exception has taken the individual's side in every one of the many such cases before the Court. At the opposite pole, Mr. Justice Frankfurter has, with almost but not quite equal invariability, supported the power of government in the doubtful cases. Murphy's position on the freedom of the individual is unswerving and passionate, and he has repeatedly expressed his convictions in some of the finest prose he has ever written. Here Rutledge, too, has made a great contribution.

The civil-liberty cases arise in so many forms that easy generalization becomes difficult, but with a due note of caution it may be said that generally supporting the most liberal interpretation of the broadest rights of the individual are Murphy, Stone, Black, Douglas and Rutledge. Most likely to be on the other side with Frankfurter are Roberts, Reed and Jackson. The necessity of caution against too easy categorization, however, is clearly revealed by a recent opinion upholding the power of the federal government to evacuate Americans of Japanese descent from the Pacific Coast. In that case, Black, Douglas, Stone, Reed, Rutledge and Frankfurter made up the majority, while Roberts, Jackson and Murphy dissented.

The civil-jury cases, of which there have been a great number, may be classed as economic or civil-liberty cases according to the predilection of the commentator. The issues arise under the Seventh Amendment to the Constitution, which provides for trial by jury in actions involving more than $20, and the question is the extent to which a judge may, by instructing or reversing a jury, substitute his judgment for theirs. Typical cases arise when an injured workman or veteran sues under a protecting federal statute and obtains a fat verdict from a jury which a lower-court judge disallows. On this point, Black, Douglas and Murphy are adamant; to them it is a matter of real constitutional significance that a judge should virtually never substitute his judgment for that of a jury. Roberts, Frankfurter, Jackson and frequently Stone, on the other hand, appear to consider the question as of no great importance and will usually side with the lower-court judge. The case will thus be decided by votes of Reed and Rutledge.

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Criminal-law cases find the same unanimity among the Black, Douglas, Murphy group. The two biggest issues are the right of the accused to counsel and the protection of the accused from forced confessions or the third degree. A typical case may be one in which a Southern Negro is alleged to have been beaten into confession by overzealous enforcement authorities and then convicted without having an attorney to protect him. Of course, no member of the Court approves in theory of confessions obtained by torture, but in the practical application of the principle to particular cases, Black, Douglas, Murphy and Rutledge are most likely to take the side of the individual, with Roberts, Reed, Frankfurter and Jackson most likely to hold that the particular confession involved was not wrongfully procured. In this field Black has written perhaps the finest of his opinions.

In the right-to-counsel cases, a similar line-up exists, with Black, Douglas and Murphy apparently moving in the direction of holding that no conviction can be upheld in any circumstances in which the accused was unrepresented by counsel.

The area of freedom of press, speech and religion has tended to merge into a single group of cases in recent years, since most litigation has arisen in connection with the sect of Jehovah's Witnesses. In the first case, Frankfurter, for the Court, held that a school child should be penalized for refusing to salute the flag despite his religious convictions to the contrary. Only Stone dissented. However, Black, Douglas and Murphy shortly announced a reversal of position, and with the appointments of Jackson and Rutledge, a firm majority has been obtained for the proposition that, in the words of Black and Douglas, "Neither our domestic tranquillity in peace nor our martial effort in war depend on compelling little children to participate in a ceremony which ends in nothing for them but a fear of spiritual condemnation." As a result, the children's right to refuse to salute is protected by the majority as a religious liberty. In the other Jehovah's Witnesses cases, involving the right of the sect to distribute their literature and tell their story, Stone, Black, Douglas, Murphy and Rutledge made a majority of five upholding the privilege as a constitutional right, while Frankfurter and Jackson remain the most vigorous dissenters. In other free-speech cases the alignment has been similar.

The Supreme Court as an institution faces a rocky road in the years ahead. In terms of its over-all position on cases, the Court holds far different ground from that of the old Court, when that Court was idolized by a conservative press. Just as the overwhelming majority of the press was bitterly opposed to President Roosevelt, so it is or will become, as the issues clarify, critical of the Court which he reconstituted. But the Court, unlike the President, cannot fight back. It cannot campaign, it has no access to the radio and the stump, it has no means, as had the President, of discovering whether the people support it. This isolation from the public is heightened by two factors: first, the work of the Court is technical, so that the general public will never have clear understanding of what it does; second, a chief interpreter of the Court to the public is a conservative bar, which is normally likely to denounce what this Court does.

This is not to say that the position of the Court is totally lonely or friendless. The labor press frequently calls to the attention of its readers the work of the Court of particular interest to them. Many liberal lawyers and law teachers throughout the country place in the legal journals, and occasionally in the more popular magazines, constructive but friendly criticism of its work. A recent dinner in Washington for Mr. Justice Black was sponsored by an impressive list of liberals from all over the United States.

But on the whole, the Court is at the mercy of its enemies. The same press, and particularly the columnists who denounced President Roosevelt for each new program of social betterment, howled with unanimous fury at the insurance decision, and immediately urged legislation upon Congress which would reverse the result reached. And since the vast mass of ordinary people, whose insurance rates will go down if the insurance-trust practices are broken, have few outlets of public expression, the appearance is created that the country condemns the Court. Justices Black, Douglas, Murphy and Rutledge, particularly, will in all probability take progressively more of a pounding from conservative writers with wide audiences in the newspaper columns, magazines and such professional publications as the *Harvard Law Review*, as their positions as economic and civil-liberty humanitarians become better understood.

In the face of conservative opposition from some of the most vocal forces in the country, one of two results might be anticipated. One is that the divergent groups within the Court might move together in a common and more clearly united direction. The other is that the more liberal wing of the Court might slowly abandon its position in the forefront of the liberal movement.

A better prediction seems to be that neither of these possibilities will come to pass. Justices Black and Murphy have borne far more vituperative outbursts from conservative forces in their political pasts than they are ever likely to face in their judicial futures, and have remained unmoved and confident in their convictions. Mr. Justice Douglas, too, has shown in his Securities and Exchange Commission career that he can weather any storm, and Mr. Justice Rutledge draws from his itinerant teaching past a similar capacity. Justices Stone and Reed, while they may not always agree with their brethren to the Left, are wholly capable of siding with them when convinced and of letting the

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chips fall where they may. There is not an ounce of compromise with principle, once principle is seen, in any of the six. Nor, on the other hand, is there any reason to suppose that Justices Roberts, Frankfurter or Jackson will abandon the positions they have taken.

Hence it is unlikely that the differences among the Justices will be forgotten. If the differences were largely personal they might easily be compromised in the interest of a larger security. But as long as the differences are founded on deep-rooted convictions, nine strong men will continue the great debate.

JOHN P. FRANK

Public Opinion and CO's

IT IS NO SECRET that public opinion is the major determinant of governmental policy in the treatment of conscientious objectors. Norman Thomas, in his definitive account of the CO's in World War I, explained that the War Department was slow in formulating a definite policy for handling these men because "it was afraid of public clamor if it did the unpopular thing." The War Department is undoubtedly governed by the selfsame consideration in this war; yet seemingly no official agency has thought it important to go to the man in the street actually to inquire about his attitude toward CO's. In the last war there was ample excuse for reliance upon intuition in the appraisal of popular feeling. Public-opinion measurement was not the well developed discipline it is today. But in spite of the precise technique now available, it is apparently still true that only the crystal ball of guesswork is consulted. And what have the prevailing surmises been about public opinion toward CO's in this war? They have strongly resembled those of Professor Case, an influential authority of World War I. He read the public mind in such terms as "popular contempt and hostility" and "the crushing disapproval of the majority of his fellows."

Although not a pacifist himself, it occurred to the writer that a contribution might be made to social justice as well as to social science by ascertaining whether or not factual foundation existed for such intolerant notions of public opinion and policies of treatment based upon them. Toward this end, one Eastern and two national polls have been conducted over the past two years to try to ascertain general attitudes toward CO's and opinions upon specific issues.

The suspicion that perhaps intolerance was not so great as commonly supposed was strikingly substantiated, in the Eastern poll, by the returns from an "Intolerance Thermometer." This "thermometer" ran from the statement at 0 degrees—"I would treat a Conscientious Objector no differently than I would any other person, even so far as having him become a close relative by marriage"—to the statement at 100 degrees—"I feel that Conscientious Objectors should be shot as traitors." The respondents were first asked to indicate upon this scale what they believed to be the general feeling toward CO's. Then they were asked to give their personal attitude. The returns showed that the most frequent estimate as to general feeling was the 60-degree statement—"I don't want anything to do with Conscientious Objectors," *i. e.*, social ostracism. Whereas the actual popular feeling, as derived from the personal replies, proved to be friendliness, since the majority chose 20 degrees or less. Most of this majority, moreover, chose 0 degrees —no rejection whatsoever. It seems clear from this yawning gap between guess and fact that in this war the American people are far more tolerant of conscientious objectors than they think they are.

No subgroup of the public was free from the inflated stereotype of public antagonism. Men and women, young and old, rich and poor, manifested it alike. And education was not proof against it, since the same distorted conception of public opinion was found at every educational level.

A matter of serious practical concern arises from this discovery of the great discrepancy between the social ostracism that is so generally believed to be the public reaction to CO's and the friendly tolerance that is actually the common response. The indication is that policies of treatment for CO's have been accepted or rejected up to the present upon the basis of a presumed "popular contempt and hostility" toward them which is now shown as not in fact to exist. So if in the present war harsh provisions for CO's have been instituted and justified upon the grounds of a harsh public opinion, there would seem to be demanded, in simple justice, immediate reconsideration in view of the considerable doubt which is now cast upon the underlying assumption.

It might be contended at this juncture that tolerance in general is no necessary indication of lenience in opinions upon specific CO questions. It is perhaps easy to be tolerant in the abstract. Do the American people renege when they are confronted with the concrete issues? The answer from a national poll, the returns from which have just been collected, is an emphatic negative. This poll was conducted through the agency of the authoritative Princeton Office of Public Opinion Research. Four issues which have long been major sources of concern to CO's were put to a national sample of the public. The two most fundamental problems, those of dependency allotments and pay for drafted CO's, were approached in this vein:

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"At present Conscientious Objectors who are drafted by the government for work receive no pay for their work. Their dependents receive no financial aid. (a) Would you approve or disapprove of their dependents receiving some federal aid? (b) Would you approve or disapprove of Conscientious Objectors receiving some pay for their work?"

On question (a) of the above inquiry 67.1 percent of the public indicated their approval of federal aid for the dependents of CO's drafted for public service; 24.4 percent disapproved, and 8.5 percent had no opinion in the matter. So the decision of the American people on this issue is manifest. By a majority of nearly three to one they support the claims of drafted conscientious objectors for dependency aid for their families.

On question (b), 60.8 percent of the public approved of drafted CO's receiving some pay for their work; 30.3 percent disapproved, and 8.9 percent had no opinion. On the question of pay, then, as on the question of dependency aid, the answer is decisive: public opinion, by a majority of two to one, supports the claims of CO's for recompense for their work.

The third issue was put as follows: "Many Conscientious Objectors are willing to be sent overseas to help in relief work in war areas. Do you approve or disapprove of their going?" Approving of sending CO's abroad for relief work were 75.3 percent of the public; 18.8 percent disapproved, and 6.2 percent expressed no opinion. This overwhelming majority of four to one makes very plain the nation's decision on the issue—namely, that CO's who are willing to go overseas to aid in relief work should have the opportunity to do so.

The last question was framed as follows: "Should Conscientious Objectors, who are drafted for work, be assigned to manual work in labor camps, or should they be assigned to jobs which make use of their skill and training?" In reply, 70.9 percent of the public chose the latter alternative; 16.8 percent favored manual work in labor camps, and 12.3 percent had no opinion. By more than a four-to-one majority, then, the people hold that CO's should be assigned to jobs which make use of their skills and talents rather than to "leaf-raking" projects of, to put it mildly, dubious national importance. The implication of this finding is obvious for the recently publicized case of Dr. Don DeVault, who, though an eminent penicillin researcher, was set to work digging duck ponds.

So the American rank and file, when allowed to express themselves democratically, make unmistakably clear their sentiments upon some of the major grievances of CO's. They back up with majorities of from two to one to four to one the claims of CO's for reforms in present treatment. This incontrovertible finding is worth barrels of polemical ink. The task now devolves upon individuals and agencies interested in justice for the CO minority of ensuring that public opinion as now revealed is understood and implemented. They will have failed if they allow the voice of the American people in this matter to be drowned out by the shouts of small but highly vocal groups who see no inconsistency in fighting for democratic liberties abroad while denying them at home. LEO P. CRESPI

The Architects of San Francisco

IT WOULD BE HARD to imagine a more complete change in atmosphere than was experienced at the San Francisco Conference within an hour on Thursday afternoon, June 7. Up to then, the deadlock over the right of the Big Five to veto even discussion in the Security Council seemed to threaten the very existence of the conference itself. With the news that Stalin had given way, everything was changed. The success of the conference now seemed assured, and the delegates looked forward confidently to adjournment by June 20 at the latest. There still remained the objections of the middle-sized and small nations to Big Five dictatorship, but it was assumed that "the little 45" would give in without too much of a struggle.

The United Nations charter will now return to the exact language written by the late President Roosevelt at Yalta and concurred in by Churchill and Stalin. In addition, the commission of the conference on the Security Council will file an interpretation, assuring full freedom of discussion of any subject. This will be filed as a "statement of legislative intent" which establishes a binding precedent on the projected council.

Five men must share the credit for breaking the dangerous deadlock: Stettinius, Truman, Hopkins, Stalin and Molotov. On Sunday night, June 3, Stettinius talked by long-distance telephone to President Truman, describing to him the dangerous situation created by Stalin's insistence that the Security Council might not even talk about any disturbing situation, if one of the Big Five objected. Stettinius told the President he thought the time had come to make a direct appeal to Marshal Stalin, and Mr. Truman gave him carte blanche to go ahead, making his appeal through Harry Hopkins. Stettinius thereupon sent what is described as "an earnest, serious and courageous" cable to Hopkins in Moscow. In the cable Stettinius warned the Russians that, while some of their points were valid, to insist on them now would seriously endanger continued unanimity among the great powers, so essential if the new organization is to have any mean-

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ing. Hopkins conveyed this message to Stalin. Stalin consulted Molotov, who presumably was able, with his recent San Francisco experience, to supply some of the needed background for the text of the Stettinius cable. At any rate, Stalin sent fresh instructions to Andrei A. Gromyko, Russian Ambassador to the United States and chairman of the Soviet delegation, telling him to yield on this point. On Thursday afternoon, Gromyko gave the news to a meeting of the Big Five in Stettinius' apartment. A meeting of the steering committee of the conference was hastily assembled and the good news was told by Stettinius to the cheering delegates.

The end of the deadlock came none too soon to clear the air and let the conference proceed. In general, the nations which have been laboring here since April 25 were already close to basic agreement on which the charter for world peace-keeping could be written. But the old suspicions and prejudices continued to cloud the broad area of understanding.

Secretary Stettinius has been sufficiently clear in his declarations that the paramount objective of American foreign policy must be to continue and solidify the American alliance with Britain, Russia, China and France in the postwar era. But the membership of the United States delegation does not seem to understand that concept. Up to the moment when Russia yielded, some of them were clamoring that the United States must seize the political and moral leadership of the conference and administer a sharp rebuke to Russia. Such advice sounds odd, coming from the delegation which complacently yielded moral leadership to Russia in the scandalous appeasement of the Argentine fascists whom only the Soviet saw fit to fight to the end. And the failure of the delegation to speak up for the historic American idea of independence when China proposed it for all dependent peoples everywhere occurred too recently to give resonance to any tone in this new demand for American leadership. The very members of the delegation who trembled at the Australian-New Zealand concept of full employment and a firm pledge for joint and separate action to make good economic pledges in the charter—Vandenberg, Connally and Eaton—were the ones who expressed the greatest concern about Russia's behavior.

In the final analysis, it is the failure to understand and define terms which has caused most of the serious difficulties among the great powers since last February when Roosevelt, Churchill and Stalin completed their conversations at Livadia Palace in Yalta. There was a basic misunderstanding of terms in the Polish agreement. And now, it appears, there was another basic misunderstanding of terms that never should have been permitted in an agreement so fundamental as the Crimea formula for national votes and vetoes in the Security Council.

It can be verified here that the State Department assumed—but never confirmed by exchanges with Moscow—that the right to veto would not apply to the power of the Security Council to discuss or consider any dispute or situation that might threaten the peace and security of any one of its members. While the Crimea formula was being circulated to France and China, the department was deeply concerned about Russian concurrence in the principle that a great power directly involved in a dispute should abstain from vote or veto when the council was deciding whether to investigate or recommend a pacific settlement. With some trepidation, inquiry was made of Moscow, and a satisfactory answer was quickly forthcoming.

Such inquiry, however, was not made on the further point of veto over discussion of a dispute in which a great power was not directly involved. There was an assumption, apparently, on the part of Mr. Stettinius. And on this assumption, Undersecretary of State Joseph C. Grew was on record as early as last March 24 proclaiming that the veto would not apply in such situations. That assumption, on which this country's most powerful ally was not consulted directly, since has been elaborated and made even more emphatic by the department.

That was the background of the dilemma on which Mr. Stettinius found himself spread-eagled last fortnight when Russia did make known her viewpoint. The American secretary found himself uncomfortable, caught between the hitherto undefined language of the Crimea voting plan and the commitments to the American people and to Latin American powers advanced by himself and his subordinates on the strength of an assumption.

The first results were not salutary for Mr. Stettinius' newly enunciated middle course of mediator or "honest broker" in future relationships of the five great powers. Because of the intense pressure of American delegates prompted by old anti-Russian suspicions and fears, the United States found itself in the unwelcome position of diametric opposition to Russia with Britain in the median position which Mr. Stettinius covets for this country.

There are many diplomats here who are increasingly bitter at the absence of the principal leaders of the world as this conference balances at its critical point. They believe that had Foreign Commissar Molotov, Anthony Eden and Georges Bidault remained here, the *modus vivendi* on the veto would not have been so hard to find and the foreign ministers of rank could have settled matters on the spot. Both among some diplomats and a few cynical members of the fourth estate, there have been caustic remarks about statesmen who hold personal security above world security. Unjust as that may be in its full implications, these groups seem to have a point when they argue that the American constitutional convention could hardly have evolved the great United States Constitution had the principals gone back to their respective states to deal with local problems that to them at the time doubtless must have seemed urgent and pressing.

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In the absence of the other principal foreign ministers, with the exception of Dr. T. V. Soong of China, Stettinius secluded himself in his penthouse last fortnight for several days and showed a tendency to permit events to drift. When the Big Five were finally convened for a series of badly needed meetings over June 2, 3 and 4, the five chiefs of delegation found themselves confronted with no less than seventeen key issues on which their agreements was imperative. Somewhat to their own embarrassment, they established that while they had been berating the lesser nations for delays in technical committees, it was their own lack of agreement that had comprised the principal bottleneck here. Once they went to work on the issues and hammered out understandings on questions in which the veto power was not involved, the conference moved off dead center and began to proceed.

Even before the deadlock on the veto power had been broken, it was possible to record that the conference was proceeding, however awkwardly, into a remarkably large area of agreement. The accomplishment of the technical committee on enforcement arrangements in completing, on June 4, the intricate work of approving and revising the important charter section in this regard, was notable. There were problems implicit in this section of such a nature that they might have justified a protracted international conference for their settlement. The achievements of the technical committee on economic and social coöperation, under the chairmanship of the erudite Sir A. Ramaswami Mudaliar of India, are likewise of first-rank importance. The devising of an operating economic structure within the world security charter may in final perspective be appraised as the principal achievement of this meeting —just as the International Labor Organization proved to be the most durable structure devised in the League of Nations a generation ago.

San Francisco THOMAS F. REYNOLDS

London Letter

THE ELECTION CAMPAIGN has begun; the first broadside was loosed by Churchill in his broadcast of June 4. The political prophets had predicted that he would cast himself as the Olympian national leader, thundering lofty accusations at his former colleagues for having deserted the ship of state before it sailed out of the troubled waters of war. They were wrong. Instead, the Prime Minister launched against his opponents one of the bitterest attacks known in British politics.

He talked about "this continental conception of human society called socialism," saying "A socialist government . . . would have to fall back on some form of Gestapo," and "A free Parliament is odious to the socialist doctrinaire."

In a blistering diatribe Churchill warmly praised the partisan Tory newspapers, condemned as irresponsible mud-slingers the pro-Labor *Daily Herald* and the *Mirror*, the liberal *News Chronicle* and the Manchester *Guardian*, and strongly criticized the middle-of-the-road *Times*. Bevin's comment was that Churchill was at Beaverbrook's worst.

On Tuesday Clement Attlee opened Labor's radio season. Beside Churchill's, his personality seemed thin, but he gave a dignified exposition of Labor policy and left the fireworks for later spokesmen. He congratulated the *Times*. Many people felt Labor had gained the first round on points.

These speeches did not crystallize the real issues of the election. It is already clear that there is much agreement between the two main parties. Both are determined that Britain's whole effort shall be thrown into the Japanese war. Attlee, Bevin and other left-wingers have declared that foreign policy should be above the party battle; this suits the Tory book. Both are committed to a radical program of reform: social insurance, health service, housing and education.

Only when it comes to industry do the two parties differ on paper. The Tories say abolish war controls and restore free enterprise on the English and American model. Labor wishes to buttress social reform by nationalizing England's basic industries and retaining controls as a means of maintaining employment and raising efficiency. On housing—a crucial question for millions of Britons—the Tories say trust private enterprise, while Labor wants the bulk of the houses built by local authorities, the smashing of material price-rings and the introduction of government mass purchasing of the component parts.

The election will not be decided by the policies of the two parties, but rather by the attitude of the electorate, toward Churchill first, and the Conservative Party second. My diagnosis is that the people like Churchill as the nation's father figure, like Eden as a son, but dislike the Conservatives because they are identified with unemployment and poverty. When Churchill became the leader of the Tories there was as much agitation as if a beloved father had been sleeping with a mistress; if he had joined Labor the people would have been happy. Instead he let fly at Labor. Perhaps Churchill's advisers, Beaverbrook and Bracken, misinterpreted the national psychology. Yet he still has a great following, though the latest Gallup Poll suggests his popularity is on the wane.

Another key is the local party organization. Labor normally has more canvassers, but the Conservatives have the press and the big money on their side. The signs are that this time Labor, though not restored to prewar strength, is getting into its stride more effectively than the Conservatives. Also, Labor has the support of the Communists, except in 22 constituencies where there are Communist as well as Common Wealth candidates.

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Incidentally, it looks as though there may be a possible last-minute compromise between Common Wealth and Labor to avoid splitting the vote. Labor is not worried about the Liberals. The official view is that the Liberal candidates, despite Beveridge, will split the Tory rather than the Labor vote. But the election result, of great significance to Britain and the world, is still in the balance.

London FLEET STREET

The Bavarian Scandal

DEMOCRACY in Germany experienced its first setback with the appointments of one Friedrich Schaeffer as Minister President of Bavaria and one Colonel von Seisser as Police President of Munich. Both appointments substantiate the worst fears of those who expected American use of reactionary clerical forces in the administration of the defeated enemy country. Both appointments were made, apparently not accidentally, by Colonel Charles E. Keegan, the American regional governor, a former New York City Councilman and a stanch supporter of Boss Ed Flynn's Bronx Democratic machine.

Are these appointments possibly connected with Mr. Flynn's mysterious visit to the Vatican some weeks ago? Speculation along this line is justified by the fact of the presence in Rome of a number of German Catholic reactionaries, among them former Crown Prince Rupprecht of Bavaria—after the last war high on the Allied list of war criminals—who has never ceased to dream of a Bavarian separatist clerical monarchy. His aspirations to be restored to the throne have never been formally repudiated by the powerful Bavarian People's Party, reactionary as well as clergy-controlled, one of whose most stubborn leaders in pre-Hitler days was Friedrich Schaeffer, now by grace of American sponsorship the most important German official in the American zone of occupation.

Advertised in news dispatches as a stalwart opponent of Nazism and an inmate of the Dachau concentration camp, Schaeffer once rejected any really energetic measures against the rapidly growing Nazi movement. Early in 1923, in a speech before the Bavarian Diet, he ridiculed as "Social Democratic envy" apprehensions of the destructive character of Nazism and advocated the use of the "nationally valuable part" of Hitler's gang. Even after the Beer Hall Putsch of the same year his attitude did not change materially. He and his party continued to maintain an alliance with Hugenberg's reactionary and imperialist German Nationals, who openly supported the Nazis. In 1930, the Reichstag faction of the Bavarian People's Party, together with the Nazis, forced through an amnesty for the Nazi Fehme murderers. Throughout the twenties Schaeffer opposed his party's possible alignment with the Social Democrats, Democrats and Center Party, an alliance which might have saved the Weimar Republic.

Only when Hitler's insatiable hunger for power began to threaten their very existence did the leaders of the Bavarian People's Party "advise" the Prussian government on the handling of the dangerous situation. But it was too late. With the Prussian clericals, led by Brüning and Kaas, the Bavarian People's Party voted for Hitler's "authorization law" which gave him "legal" power to destroy German democracy. Schaeffer's own "big talk" that he would have any Nazi high commissioner who crossed the Bavarian border arrested, was not followed up by action. Instead, the Bavarian cabinet, including Schaeffer, was jailed by the Nazis. Thus ended the political career of one of the Weimar Republic's most diligent gravediggers.

Even worse is the political past of Colonel von Seisser, the new Police President of Munich. Instrumental in stemming radical uprisings in Bavaria after the last war, he is the same von Seisser who stood beside Hitler on the platform of the beer hall from which the future German Führer directed his ill fated putsch in 1923. Named "Reichsminister of Police" by Hitler, von Seisser accepted this "honor" before the eyes of thousands of people assembled in the hall. Although he later claimed that he had acted under duress, von Seisser, in contrast to von Kahr and von Lossow, who had also played the comedy with Hitler, survived the Third Reich, obviously because he was not deemed dangerous by the Nazis.

What makes the appointments of Schaeffer and von Seisser even more sinister is that they were made out to be "unpolitical." Colonel Keegan stated in an interview that he wanted no political activities in Bavaria "at this time" and that he did not trust any of the Bavarian anti-fascist movements. And only a few days later, Colonel Keegan had discovered, by mere chance, the strictly "unpolitical" Mr. Schaeffer and the equally "unpolitical" von Seisser. The jobs given to these two men mean nothing but turning over the Bavarian people to the Vatican and political reaction. It means that the slightest democratic activity in Bavaria will be ruthlessly suppressed and that Cardinal Faulhaber—who after the revolution of 1918 stated that the Weimar Republic was based on "perjury and treason"—will now be the political boss of Bavaria, a distinction he was not able to achieve even when the clerical Bavarian People's Party was in power.

Compared with the scandals of Darlan, King Victor Emmanuel, Badoglio *e tutti quanti*, the Bavarian scandal is more infamous. The use of these fascists was justified by our authorities as a temporary expedient to enable the people in the liberated countries to select governments of their own choice. The same policy may not be appropriate for Germany, but to turn over a very considerable section of that country to the most

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discredited group of reactionary, clerical and monarchist anti-democrats—whose responsibility for Hitler's rise was all the greater because they had the power to prevent it—is a political scandal of stunning proportions. This disastrous policy is already bearing fruit. Its first victim is the free labor movement. According to a report from Munich, present plans call for the merger of the free trade unions with the Catholic unions. This merger means reactionary control of trade unionism in Bavaria. That such portentous steps are taken and publicized with a friendly smile from the American military governor, that they are made through the back door of neatly dressed up interviews, make the attack against any possible German democratic movement still more disgraceful. That this plot against democracy was made under the "strictly non-political" catchword makes it particularly offensive by any standards of veracity and decency.

PHILIPP LOEWENFELD

Florida's Anti-Labor Drive

IN THE citrus-packing plant, under the heavy, sweet smell of rotting orange skins, the "Brother" Shannon leaflet passes from hand to hand. Side view, front view and number—the police picture of a burly Negro with thick lips and receding forehead tops a story implying that a vote for the union is a vote for black equality.

This is the final exhibit in the trial-run anti-CIO campaign backed by the $156-million citrus industry of Florida. Used in the Hills Brothers' company plant at Bartow, to block the Food, Tobacco, Agricultural and Allied Workers' Union, it will appear again wherever a similar organization drive is attempted. In Florida the lords of Vitamin C are going to fight their new labor pains according to a formula.

"Can't you count?" shouted the CIO representatives in answer to the pamphlet's appeal to race prejudice. "Can't you see you whites outnumber the Negroes three to one? This is no set-up for black supremacy!"

But at this point nobody is interested in counting. This is the day of the election, when 400 workers are going to mark the NLRB ballot for or against the union. This is the day when management will help to settle things by one more play in the game. Two hours before the voting the Negro employees will be sent home to their segregated neighborhood and will find it difficult to get out again. Certain white men around the district will look as if they might be on patrol, and for a purpose.

The number of white workers who will vote NO for "Brother" Shannon will be enough to lose the election. And the industry will have the last peg it needs to tighten the structure of its strategy.

Now the formula is complete, and not quite what you'd expect either. Future attempts to unionize any given plant will not be countered crudely, by barring the gates to organizers. No, the organizers will be admitted. They had first to clear the hurdle of getting a business agent's license from the state of Florida. They will be allowed to demand an election.

Then the defense will open according to plan. "Loyal employees! You are being told what to do by fellows from outside the state." (Most organizers do come from outside Florida.) "Go on, listen to them. We won't object. But you aren't the first they've tried their stuff on. No, they worked at Bartow more than three months. And what happened? The sensible white men at Hills Brothers turned them down!"

After this introduction the formula divides into three easily assembled parts. Part one, the old business, is typical of anti-union techniques everywhere: further appeals to loyalty, to the right of the individual to run his own affairs; threats to close the factory and the actual dismantling of one or two machines to show firm intentions. Part one also includes newspaper advertisements by businessmen and citizens.

Part two, race prejudice, is typical of the South. To frighten the Negroes, the white-trash angle is brought in, and references to the Klan. To frighten the whites, the "share-the-same-washroom" bogey is trotted out. There is no need to elaborate on these appeals to race hatred, except to say that here, at least, Red-baiting is not part of the picture. Black equality is overwhelmingly the more powerful weapon.

Part three consists of warnings made possible by specialized conditions in Florida itself. "Don't stir up trouble where you have to work," refers to the difficulty of getting out of the state, to the high emigration fees demanded of labor recruiters. "Don't deal with outsiders," means more in Florida than elsewhere, for this tourist-ridden peninsula is extremely jealous of the rights of citizens to control local affairs, run the courthouses and collect the tax money. "Foreigners" when not exploitable are anathema.

So what does the budding labor movement do now? Continue to fight the formula plant by plant, knowing in advance that each plant will be supported by all the others?

The question is too young to have found an answer. The groves, the canneries, are at the end of their season. But the most hopeful conclusion is this—that although plant-by-plant organization is impractical, it is not too late to do the job by states.

The citrus industry in the United States is not yet unified. Florida is competing with Texas, with California, and cheers happily over crop losses in both those areas. The task of unionization is therefore not industrywide. If the CIO were to come to Florida in strength, with the PAC and the coöperation of other liberal and race-tolerance organizations, we might soon perceive a new fragrance in the land of flowers.

PEGGY FLINT

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Washington Notes

Echoes from the Past; Hope for the Future

AN OLD MAN stood in the well of the Senate Finance Committee room last week as, from a horseshoe of raised seats, Senators looked down upon the almost legendary figure. He had come forward out of the past to testify in favor of the Johnson Act—the act which Congress passed in a fit of spite back in those days when prosperous, carefree America had turned her back on the world, the act which banned loans to foreign governments which had defaulted on World War debts, after the United States had rejected the League and surrounded itself with a tariff wall to prevent imports.

The man was Hiram Johnson, senior Senator from California, associate of Borah and Gronna and Knox, La Follette, Lenroot and Moses, Harry S. New, Truman Newberry and Boise Penrose, Reed Smoot, Jim Watson and Albert B. Fall, Warren G. Harding and Henry Cabot Lodge. There were giants in those days! They were all in the Senate with him in the League fight, and they had joyously hounded Woodrow Wilson to his grave.

Mr. Johnson told the committee he felt that before he spoke, proponents of repeal should present their case against the Johnson Act.

Majority Leader Barkley intervened gently. "You have probably forgotten, Senator, that there was an all-day hearing two weeks ago," he began. He recalled that Mr. Johnson himself had then asked to hold back his testimony until critics had their say.

Forgetful Mr. Johnson stood quietly. When he began again it was with a new objection. It was odd, he said, that he had not received a transcript of testimony of opponents. Again Barkley intervened, quietly, courteously. "The clerk advises me," he said, "that you have been furnished with a full transcript of their testimony."

Mr. Johnson paused, then introduced his secretary, who read a defense of the Johnson Act, in his name. Later on he introduced John T. Flynn, who supported his position.

It was soon over and Mr. Johnson, with his little group, and all the ghosts of the past, moved out of the room, knowing that his defense had been a last, futile gesture and that Congress would almost certainly repeal the Act. But what matter? All but a few of the men who imposed the Act were dead now. While alive, they were strong and victorious. They had riddled the League with reservations till its own friends couldn't support it. They had hidden behind the two-thirds rule, killed Wilson, restored Normalcy, erected tariff walls, snubbed Russia, rejected a world court, and then had the last say after all, by writing the Johnson Act. What good, roistering, full-bodied days those were, Mr. Johnson must have thought as he moved slowly out. And the cost was little enough: only a Second World War.

Two months have given a pretty good insight into the Truman Administration. The direction of the President's messages and appointments is liberal: his Administration is more homespun and less cosmopolitan than Roosevelt's, with a great deal more emphasis on party regularity, but it is pretty evident in which direction it is going; it is going a little Left of center.

Here are some of the highlights of the past two months: Mr. Truman had to veto the farm-bloc drive to give all farm workers a special draft-exemption status. Then he put Senator George's nose out of joint by rejecting his wartime tax-cut proposals. Last week 100 Southern House Democrats got together at a supposedly secret meeting (which received little newspaper attention) protesting Mr. Truman's courageous support of the Fair Employment Practice Act; they are going to meet again if he persists in trying to obtain racial and religious equality in government employment—what are we fighting the war for, anyway? Then Mr. Truman has made recommendations for executive reorganization and has strongly advocated social-security extension to 15 million workers, plus a national system of health insurance. He wants to liberalize and federalize unemployment compensation. On top of that the White House, through Fred Vinson, has given support to the "purposes and principles" of the Murray full-employment bill, though reserving judgment on details. Mr. Truman is fighting for the Bretton Woods and tariff-extension programs, and carrying through Roosevelt's agenda at San Francisco.

This all amounts to a pretty liberal program, and many of Mr. Truman's appointments have been liberal, too. I know Democrats who are raging because Truman has not fired Wallace and David Niles and Lauchlin Currie and Isador Lubin, Bob Nathan, Ed Pritchard, Ickes, Samuel Rosenman, Harry Hopkins and other people of that sort. It looks as though Mr. Truman were going to keep on making use of them. The theory that he would have no trouble with Congress is also cracking. Big battles are already on over the OPA, the OWI and the tariff-extension act, and there will probably be plenty more.

I find one thing disturbing about the Administration. Personally I don't like to have Mr. Hannegan, chairman of the Democratic National Committee, as Postmaster General, although I have no objection to him personally, and I look with concern at the Hannegan machine that is being busily created: Tom Clark in the Justice Department, Ed Pauley (treasurer of the party) in the official family as reparations commissioner, Schoeneman and McKim apparently looking after patronage matters at the White House and in federal personnel. There is danger for Mr. Truman in carrying his party regularity too far. One can't help remembering a man named Pendergast.

Notes.—Officials back from Europe all have the same story. It is terse and terrible: people are going to starve in Germany next winter. . . . John W. Snyder, the conservative St. Louis banker whom Truman picked as loan administrator, talks to Jesse Jones frequently over the phone and gets his advice. . . . The State Department has given itself a perfect set-up for controlling information in its "espionage" case: anything it wants hidden it stamps "confidential" and publication may be prosecuted; on the other hand the restriction may be secretly removed for some favored reporter, while the others suppose it to be still on.

Washington T. R. B.

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The Bandwagon

The Dame [of Sark], who is "Madame" to the reverent islanders, operates her island efficiently and democratically under the old English feudal system. – *UP dispatch from Sark.*

Administration leaders assured the nation today that there would be no economic collapse during the reconversion period. . . . Throughout the *period between wars* [our italics], the emphasis will be on easing up government production controls to let the forces of free enterprise and competition get back to work. – *From the Indianapolis* Times.

The gas industry was encouraged yesterday by a rumor that in areas where government-controlled electric programs are being developed, private-utility operating companies are urging consumers to expand the use of gas in an effort to offset federal "encroachment" on private enterprise. – *From the financial section of the New York* Times.

I saw him (the GI) in the moonlight wandering around in the ancient Colosseum. I heard a sergeant say to a corporal—I was standing right behind them—"Corporal, that is probably what two or three thousand years of weathering has done to a structure built of granite and marble. But we could have done better than that with a B-29 in just about 15 minutes." He somehow has a way, you know, of relating the ancient and the modern. – *From a speech by Representative Everett Dirksen, of Illinois, as quoted in the* Congressional Record.

Who, Me?

As a result, Van Dorn is now the largest builder of prison equipment in America. And 66 years of building cells that defy the best conceived methods of destruction have given us something extra to offer you after the war. – *From an advertisement in* Fortune.

Strange-Bedfellows Department

Center: The recently tapped Seven Deadly Sins . . . are pictured from left to right: Passion, Miss Shirly Shave; sloth, Miss Jane Munnerlyn, bolshevism, Miss Margaret Murchison; temptation, Miss Barney Elliott; gluttony, Miss Louise Williamson; intemperance, Miss Joan Livingston; and pride, Miss Delia Houser. – *Caption on a picture in the society columns of the Jacksonville, Florida,* Journal.

Our readers are invited to contribute to this column; $1 will be paid for each item used. Address Bandwagon, care of the New Republic. *Please enclose the original clipping.* – THE EDITORS

Correspondence

The 27th Division

SIR: I have recently returned from the Pacific Ocean Area where I served as deputy commissioner for the American Red Cross. At the same time as Brigadier General, New York Guard, I undertook to bring back certain information for Lieutenant-General Hugh A. Drum in command of the New York Guard. As a part of my duty, I was attached as an observer to the Tenth Army, and on General Buckner's orders became attached to the 27th Division, reporting to the Division at Espiritu Santo and remaining with it after its landing at Okinawa through April 24.

I have been amazed to read in your magazine the comments which you have made under the heading of "Military Review" in your issues of May 7 and May 14. You seem to have accepted quite uncritically Robert Sherrod's report of the 27th at Saipan as it appeared in *Time* magazine and to have been influenced in your judgment of the 27th's behavior on Okinawa by that report. The Saipan incident was the subject of an investigation by a board of which Admiral Spruance was the chairman. I have been informed by high authority that the 27th Division was completely exonerated in the report of that Board. The War Department, I understand, has deemed it unwise to release the Spruance report for the present.

Of my own knowledge I can most emphatically state that you are completely wrong in what you write about the 27th on Okinawa. I enclose herewith a copy of a statement published by the Commanding General of the 27th Division under date of May 8, 1945, which speaks for itself. I suggest the withdrawal of the remarks made in your editorials of May 7 and 14 and the publication of the enclosed announcement in your columns.

New York City A. CONGER GOODYEAR

[The entire reference to the 27th Division by our military commentator consisted of only a few sentences. In our issue of May 7 he said: "On Okinawa the second attempt to drive the enemy from the Naha area . . . quite evidently achieved only a very limited success and the 27th Division got itself counter-attacked out of a town it had already taken. . . . Probably the trouble lies at least partly with the 27th Division itself, which was also caught in a surprise counter-attack on Saipan." In the issue of May 14, he wrote: "The first operation against the inner fortress of Japan has succeeded so badly as to make almost imperative a recasting of methods before further assaults. The 27th Division, after some of that fulsome official praise which is considered elevating to the morale of formations that have been severely beaten up, was taken out of the line on Okinawa. . . ."

The letter from General Griner, Commanding General of the 27th Division, is too long to print in full, but consists chiefly of quoted warm praise of the division from Lieutenant General S. B. Buckner Jr., Commanding General of the Tenth Army, and from Major General John R. Hodge, Commanding General, XXIV Corps. General Buckner writes of "a well performed combat mission" which "advanced against strong resistance, gaining important ground, and greatly weakened the fighting ability of the enemy in your front." General Hodge speaks of "a brilliant night maneuver" enabling the division "to seize in one day with low casualties a commanding terrain feature which might have consumed days and many lives to gain by frontal attack. In ensuing days the division beat off repeated counter-attacks, cleaned out the difficult and dangerous Kakazu pocket and advanced a total of over 3,000 yards to capture Machinato airfield and make secure the right flank of the corps in its widening zone." General Hodge praises "the conduct and spirit of the officers and men" as measuring up to "the high standard of American arms and the splendid record" of the division.

Our military commentator writes as follows:

"I certainly have no desire to be unfair to any unit of the American fighting forces, and I am glad to know you will publish Mr. Goodyear's letter.

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"The 27th was a National Guard division. A large proportion of the officers were the old National Guard officers. On Saipan it got into trouble; it was very slow taking its early objectives, causing a gap in the line and giving the Japanese a chance to reform.

"The Japanese made their banzai counter-attack against the front held by the 27th. This was the basis of the inquiry by the board of which Spruance was chairman. General Smith of the division was relieved.

"The 27th was the only division so far in the Pacific fighting which has been counter-attacked out of a position. On Okinawa, the press says that the 27th was again counter-attacked out of a position it had already occupied. It was immediately taken out of line.

"Six or seven days later, the Seventh Division was also taken out of line. After a two weeks' rest, the Seventh was sent back in. The sector the 27th Division formerly occupied was taken over—without rest—by the First Marine Division. How long the 27th was out of action is not clear. A news dispatch published about a month after it was taken out speaks of it as having been fighting for at least ten days on June 7 and having captured a Japanese-occupied hill, Onno Take, in a quiet sector for behind the main battle line."—THE EDITORS]

GI in Germany

SIR: I work in a Field Artillery Battalion Personnel Section. The men are probably the most intellectual to be found in this organization and are typical of the mine-run of the army, but they are as resistant to progressive ideas as the average serviceman. The problem is subtle. Any conversion of thinking has been, or will be, accomplished when they are not looking.

The first sign of other than stark hostility to my own "radical ideas" came recently when I was asked what I expected to do in politics after the war. I said, "Probably nothing, other than what influence I may have among friends and acquaintances." I went on to explain that I believe progress will evolve in democracy to the degree that common men are conversant with economics and political science; that reforms are accomplished when specific concessions are demanded by a proletariat that knows what it wants. I mentioned the concerted demand, by even the most conservative newspapers in England, that the government assume control of the land; that this has become possible because simple factory workers are sitting around their hearth fires and talking about what they need to improve their standard of living; they have taken the Beveridge Plan to heart and believe in a brighter future because they are finding out what they want.

I find myself at odds with many men, also, concerning another problem that seems vital to me: Soldiers are prohibited from fraternizing with German civilians. At the same time, army propaganda over the radio and in ETO publications is propagating hate-Germans philosophy. Much is said about race characteristics and warlike tendencies. Nothing is ever mentioned about the real causes of war. I do not believe ordinary German civilians have reacted differently than would Americans under similar circumstances and propaganda pressure. Even though I am partially isolated from civilian contact, I occasionally hear opinions of frightened residents of towns and villages through which I have passed. I seem to sense that Hitler and Nazism are as thoroughly despised by them as by us. Why is it not wise to handle nations along the same humanitarian lines as are advocated for recalcitrant individuals, chastising only him who has demonstrated himself not amenable to correction? Why not let experts select the guilty ones, prescribe their punishment, and let us be friendly with those adjudged innocent, leaving the individual to suffer only to the extent he shares the national responsibility for reparations?

I have seen the concentration camps, with their mangled dead and the starving. There is a horror in Germany that is real—it is the result of a degrading philosophy of life; but I cannot believe that the simple, 23-year-old girl who has four brothers dead in the war, who shudders and cries when she talks about her wartime experiences, yet is glad to mend our torn clothing for a little piece of chocolate, has much individual responsibility for the state of affairs that has existed. What should she have done—spoken her mind to a member of the SS and been put in a concentration camp to be raped by the officers and starve?

Two Jewish men in my section are imbued with the eye-for-an-eye spirit. I see no reason to be happy over a dead German soldier. I believe a more tolerant attitude on the part of these men would contribute more toward relief of anti-Semitic sentiment than their militant demand for the extermination of him who has done them wrong. I have many Jewish friends and have found them more sentient than the average. For the sake of these friends and mere common decency, I wish that Jewish soldiers could realize that hate generates hate, and that their present attitude will only strengthen their present position as members of a persecuted race.

Somewhere in Germany PVT. J. D. C.

Doctors in the Armed Forces

SIR: Medical practice in the armed forces does not always have, for the enlisted man, the bright appearance of Lieutenant Colonel Kocher's article [the *New Republic*, May 14]. What is most distressing is the utter impersonality of approach and the apparent lack of interest of the doctor in the patient as an individual. Medical practice seems an affair between the doctor and the man's body, and the man himself is expected to have no concern with the matter. It is the free-clinic approach, with the long wait, the quick examination, etc. There's also the maddening presumption by many doctors that it's all just gold-bricking.

I suppose a good part of this is inevitable, and I think the medical staff does do a good job. There are undoubtedly many advantages in the socialized procedures, and I agree that some such socialization is needed in civilian life. Yet I think experience in the armed forces points also to certain dangers which must be avoided—the arbitrary attitude, the impersonality of approach, the creation of a class of practitioners apart from and above the society in which they function.

c/o Postmaster, San Francisco, Calif. U. S. SEAMAN

From The New Republic Mail Bag

M. N. Miller Jr., of Pittsburgh, Pennsylvania, disagrees with some statements made by A. Yugow in his "Shall German Labor Rebuild Europe?" [the *New Republic*, May 7]. Mr. Miller points out that the Allies as well as the Nazis engaged in obliteration bombing, and not just of Germany but of the small enslaved nations as well. Our correspondent also disagrees with Mr. Yugow's statement that compulsory labor used in the interests of society is not slave labor, declaring that "his thesis . . . is the very opposite of the democratic philosophy and belief.

"Let us call the policy by its correct name and definition," Mr. Miller writes. "It will constitute the usual imposition of arbitrary terms upon the defeated nation. . . . Do you favor the use of compulsory American and British labor to rebuild those sections of Europe devastated by our own obliteration bombing? According to A. Yugow, such forced labor would be in the interest of society and therefore would not constitute slave labor!"

A practising physician in Hartford, Connecticut, writes to us in approval of Lieutenant Colonel R. A. Kocher's article ["Doctors, War and Medicine," May 14, 1945]. This doctor points out that to his knowledge no hospital-insurance scheme provides for chronic illness which prevents return to active employment and pauperizes the individual, except at very high rates beyond the reach of the average person.

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Books in Review

Bill Mauldin's Book

IT WAS a smallish, paper-bound book, and it cost 25 lire. Its title was *Mud, Mules and Mountains*, but nobody ever called it that. When the men came into Naples or Rome on pass, they would stop by the circulation office of *Stars and Stripes* and say: "Got any Mauldin books left? Sure would like to get a copy of that Mauldin book."

Often, there were none left. It was a hard book to keep in print. Even if the paper supply in Italy had been larger, it would have been a hard book to keep in print. To many men, it seemed the only thing in Italy worth having.

Now, for those men who have had to come home without one and for a great many persons who have never set foot in Italy, there is an American Mauldin book.[1] It is called *Up Front* after the heading used until recently on the Mauldin cartoons in *Stars and Stripes*, and it is cloth-bound. The paper, if somewhat better than that obtainable in Italy, is too thin, some of the plates are too small, and there appears to be none of Mauldin's pre-Italian work—which means that you cannot trace quite fully enough the development of Mauldin and his men. The next book, I hope, will carry dates under the cartoons and will include, by way of introduction, the admirable pieces that the late Ernie Pyle and the late Fred Painton wrote about the best United States cartoonist of this war.

This American Mauldin book contains some 160 cartoons—many more than in *Mud, Mules and Mountains*, and a number that you may have missed in the domestic newspapers that carry Mauldin's work—and some 30,000 words of text. The words are addressed mainly to civilians, who will be fools if they don't like them, but they will mean as much, or more, to Mauldin's overseas audience.

Mauldin, it turns out, writes almost exactly as he draws. When this book was first projected, some of us on *Stars and Stripes* thought it ill advised of the publishers to want text as well as pictures. We were somewhat snobbishly afraid that Mauldin the writer would look awkward beside so accomplished a guy as Mauldin the artist. By being casual, and himself, half brat and half sage, by ignoring the restraints of chapter divisions and the other paraphernalia of nice organization, he has put together the one indispensable book that any one man has so far published about Americans in action in this war.

The text, as he points out, is "pretty much background" for the drawings. It undertakes to explain why he draws the kind of pictures he does and why the men he draws deserve "to be appreciated a little by their countrymen." The whole is like listening to Mauldin talk while driving his jeep through Italy, except that only once does he halt to tell you that he has the most remarkable jeep in the Army.

He talks about Willie and Joe, his cartoon characters; about relations between officers and men (almost his most persistent theme); about the "battle of Naples," which was fought some time after the city fell into Allied hands; about Anzio; about the medics and, again and again, about the infantryman. It is a cocky and humble book, sly and wise, sardonic and humane—and wonderfully illuminating.

Nearly all the writing is deliberately non-professional, but the final episode—a night in a battalion medical-aid station south of Bologna—will probably find its way into all the war anthologies. It is a small miracle of unsentimental and compassionate reporting.

As Mauldin notes, he is a reporter in his cartoons. In his cartoons he is also unsentimental, compassionate and authentic. The usual explanation of his authenticity is that he has been most of the places that the sorely tried 45th Division has been and so has seen and been a part of the situations he describes. That is true as far as it goes, but other artists and other reporters have been to the front, and they did not see exactly what Mauldin saw. Authenticity is largely a matter of the spirit.

Though the cartoons drawn in Italy and France have more technical authority than those Mauldin drew for the 45th Division *News* when the division was still in training in the States, the earlier stuff is not much different in attitude from the later work. Mauldin's attitude is that of the young men who were thrown into camps before Pearl Harbor and became the American Army. Not members of the American Army—the Army itself.

The Army has other good cartoonists, but the essential humor of most of them is fantasy. It is the humor of those moments when the only way to make the Army tolerable is to daydream about it wildly. Mauldin's men, like every-

"How ya gonna find out if they're fresh troops if ya don't wake 'em up an' ask 'em?"

[1] Up Front, text and pictures by Bill Mauldin. New York: Henry Holt and Company. 228 pages. $3.

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body else, have such moments, and they admire cartoonists like *Yank's* George Baker (*The Sad Sack*). In the moments in which he catches them, however, Mauldin's men are usually too absorbed, or too tired, for fantasies.

Even when he is most high-spirited, Mauldin holds down the humor of exaggeration. He relies on a direct, uncompromising, sometimes brutal matter-of-factness. Mauldin's men may still be rubbed raw by the niceties of "military courtesy" in rear echelons, but they have long accepted combat. As he puts it, "they wish to hell they were someplace else, and they wish to hell they could get relief. They wish to hell the mud was dry and they wish to hell their coffee was hot. They want to go home. But they stay in their wet holes and fight, and they climb out and crawl through minefields and fight some more."

The aim of his cartoons, Mauldin says, is to enable such men to blow off steam. That is an okay explanation, if somewhat terse. There were times when not all the brass in Italy understood the medicinal and restorative qualities of Mauldin's stuff. From a Manhattan coign of vantage it is a little hard to recall why some gentlemen called Mauldin "seditious" during the "battle of Naples" in the early spring of 1944. That is because this is neither 1944 nor Naples. The men who came down from Anzio and incurred a base section's fury because on leave they forgot to "ack like sojers" have moved on some place else, or they are dead.

Some of the cartoons seem more mirthful than they did a year ago, and less biting and morose. But it is important to remember that it took courage as well as a tough critic's mind and an infallible eye and ear to do them. And it took intelligence on the part of the highest brass to recognize Mauldin's irreplaceable value to the infantryman. In its attitude toward Mauldin, the American Army in Italy did itself proud.

There are not enough books describing the relationship between a particular artist and a particular audience in a particular time. It would be good to be able to see some easy parallel and say that Mauldin meant to the men in Italy what this artist meant to that audience in some specified year. Perhaps there are no precedents. But during that first miserable winter in Italy—a winter that Mauldin says was worse than Valley Forge, and he seems to know—the men who came back from the front to buy Mauldin's book laughed like hell all over again at cartoons they had already seen in *Stars and Stripes*, and when they had finished laughing, they said: "This is just about the way it is."

When an audience that knows laughs and then speaks those words about imitations of elemental actions, you have art as catharsis and as magic and as revelation. And leave us have no esthetic misunderstanding about it.

Mauldin has been drawing the kind of cartoons that have not been done by an American since the time of Art Young and the old *Masses*. He is probably the only cartoonist of his generation who owes nothing to the *New Yorker*. He is a very serious humorist and he deals principally with group contradictions—the contradiction between responsibility and privilege, between vocabulary and reality, between today's circumstance and yesterday's conditioning. The cartoon for which he recently received the Pulitzer Prize is an obvious example. A weary Joe walks head-down through the rain and some equally tired German prisoners walk in the same attitude beside him. The caption quotes a news item: "Fresh, spirited American troops, flushed with victory, are bringing in thousands of hungry, ragged, battle-weary prisoners. . . ."

Mauldin may not have been consciously influenced by anybody, but whenever he sees the Art Young cartoon of the two kids and the stars as thick as bedbugs, he ought to say: "That's my boy."

He takes up where the cosy Bairnsfather left off, so he needn't say anything to the talented Britisher. And I think that those of his admirers who insist that Mauldin is in the tradition of Goya and Daumier are being too enthusiastic, though it's easy to see what they are driving at.

Like Young, Mauldin is often an indifferent craftsman. At his best, as in those two monumental little figures in the cartoon captioned, "How ya gonna find out if they're fresh troops if ya don't wake 'em up an' ask 'em?" he can achieve a harsh poignancy of line. He is a serious workman, as you will recognize if you ever hear him talk about why it is hard to draw a rifle so as to give it dramatic meaning. But like Young, he is primarily a cartoonist—a man who gets his effects by a combination of drawing and caption, who must make with words as well as line.

He seldom used to complain when Italian engravers did a sloppy job on his drawings, but the proofreader who omitted a single apostrophe, or altered the spelling of one word in a caption, risked his miserable neck.

In his audience, Mauldin has been luckier than Art Young. The latter mainly drew for a radical and highbrow little journal which, for all its influence, can seldom have been seen by the people who were Young's subjects. The artist who is separated from his natural audience is necessarily a lonely and to some extent a frustrated man. Between Mauldin and his men there have been no barriers.

The old question that men in the Army asked—"What did you do in civilian life?"—is now giving way to a new one, "What do you think you'll do when you get out?" Mauldin, of course, will go on being a cartoonist, and an able and famous one. But the civilian cartoonist who deals unsentimentally and almost never wistfully with social contradictions risks loneliness and frustration. Will Mauldin go on seeing contradictions?

His political convictions appear to be few and innocuous. It is a little embarrassing when he writes about the war, "I'm not old enough to understand what it is all about," but he is not being coy. As an Army cartoonist, he has maturity and an unassailable integrity. As a civilian, he will be a kid without much experience or education but with a great amount of fame. He is a complex figure, and it would be fatuous to try to see ahead for him. It is permissible, however, to think that while acclaim may dazzle his eye, no amount of money will be enough to stuff his ear.

Certain Army experiences with his audience should stand him in good stead. There was the time, shortly after the capture of Rome, when an epidemic of jeep-stealing broke out. Two tough characters came up to Mauldin as he was getting into his well loved jeep and told him to turn it over to them. Then one of them saw Mauldin's name on the jeep and yanked at his companion. "We don't want to take this guy's jeep," he said, and the two of them went away. Mauldin does a little quiet boasting about that incident. He has a right to, because he understands the implications.

STAFF SERGEANT HERBERT LYONS

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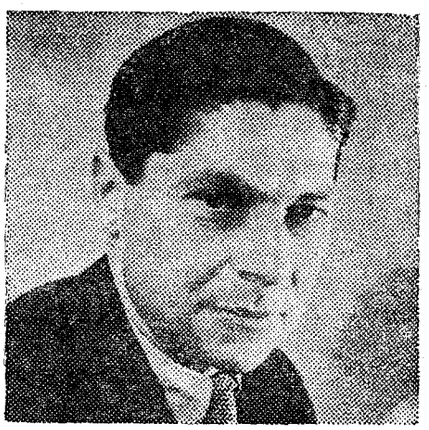

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Ortega's University

The Mission of the University, by Ortega y Gasset. Translated with an introduction by Howard Lee Nostrand. Princeton: The Princeton University Press. 103 pages. $2.

ALTHOUGH he is fundamentally of a conservative turn of mind, Ortega y Gasset's theories of education square remarkably well with those of more liberal and even radical thinkers. The consonance is illuminating. It is fully in evidence in the lengthy, eulogistic and largely uncritical preface by Howard Lee Nostrand to this series of lectures and notes by the author of *The Revolt of the Masses* on the reform of the university. For the problems of higher education are invariably treated by Ortega, his prefatory admirer, and those to whom his reforms appeal, within the limits of an attitude that conceals a host of unanalyzed and crucial assumptions.

Ortega's proposals, though plausible and impressive in themselves, derive their validity from the shared belief that the basic evil of our time is the deficient distribution of knowledge. According to him, the Western world is sick because our vast accumulation of scientific knowledge has not been synthesized, absorbed or generally diffused in society. As a consequence, the masses who are voluntarily imprisoned in a cocoon of ignorance and the educated professionals who languish behind the rigid bars of specialization are equally responsible for the deplorable state of civilization.

No adequate evidence is ever offered to prove that this deficiency of knowledge is responsible for our more grievous social ailments or that its palliation would result in any great moral gain. The failure "to live at the height of the times" of which Ortega accuses the masses, the professional class and most intellectuals, is an obvious substitution of colorful physical metaphor for moral and psychological analysis. Although historically the increase of scientific knowledge has coincided with the growth of every social ailment, pedagogy rarely seems inclined to consider the possibility that there may be either no relation at all between the increase of knowledge and the improvement of conduct, or a highly unfavorable one.

Such considerations or the utilization of any positive moral frame of reference, must inevitably lead to the conclusion that the major task of education is the psychic and emotional reorientation of the individual rather than the refurbishing of the university curriculum. To be fully effective, such reorientation would certainly require the elimination or limitation of the profit motive in society and the individual psyche, and whatever was accomplished without such a change would, of course, function to produce it.

In Ortega's reformed university, professionalism would be fundamental and scientific research separately institutionalized in order that the great body of students might receive adequate training for their profession and, along with it, at the hands of a dominating "Faculty of Culture," a sufficient understanding of the great developments in modern knowledge to enable them to function with a wider consciousness and to lead enlightened lives "at the height of our times." Art, incidentally, seems to have only a very minor place in culture, for Ortega offers no proposals for overcoming the truly gigantic lag in esthetic sensibility.

The "Faculty of Culture," devoted to the synthesis and

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coördination of the branches of modern learning, is a pleasing prospect to our educators and various modifications of it are already in use in American universities. For good or ill, there can be little doubt that their effect will be negligible so long as the acquisition of culture does not enter as a component into the vital, socially generated drive to compete and to profit that continually frustrates the ambitious plans of our pedagogues. Students have a way of quickly disentangling themselves from the hampering robes of culture, once they emerge as young doctors, lawyers and engineers to do battle with their colleagues for a place at the top of the heap.

WILLIAM POSTER

Un-Timely Russia

These Are the Russians, by Richard E. Lauterbach. New York: Harper and Brothers. 359 pages. $3.

A REPORTER for *Time* is not always responsible for what appears in that magazine. One of the best of them recently returned from a foreign country and was condescendingly asked at a staff meeting about that country's press. Wasn't it controlled, regimented, drab, uninspired and propagandistic? Sure, said the correspondent, but with all its obvious inadequacies it still gave its readers a better understanding of the United States than *Time* gave of that particular country.

This is apropos of the fact that Richard E. Lauterbach, who was the *Time-Life* correspondent in Moscow during the decisive year 1943-44, has written what he saw, heard and felt in Russia, and if *Time* and *Life* had printed half of what he sent them (and what appears here) even Mrs. Luce might have learned something about the "inscrutable" and "mysterious" Russians she seems to want so badly to fight. As for the San Francisco Conference, where this reviewer read the book, a few copies scattered about would have done a lot of good.

For instance, Mr. Lauterbach has a chapter which he calls "The World from Moscow," and which *Life* refused to print, although it was intended as an answer to William C. Bullitt's *Life* article, "The World from Rome," which Mr. Luce liked so much. In a very few pages, Lauterbach provides the best background for offsetting our misunderstandings with Russia that I have seen, for it analyzes the old fears that have always plagued the Russians, and that were not erased by coöperation in war.

One of the most compelling of these is the fear of the anti-Soviet tone of the American press, which can speedily be confirmed at your nearest newsstand. Another is the fear of continuing American criticism of Soviet internal affairs, such as the decision to give more autonomy to the 16 republics. The Russians still fear that we will let ourselves drift into a soft peace with Germany, that we may disagree with them on Germany's future, that our finance capital may try once again to rebuild German industry, that we may help create an anti-Soviet coalition, that we don't mean our anti-fascist talk so long as we are indifferent to fascism in Spain and Latin America.

Mr. Lauterbach does not minimize the difficulties of American-Soviet coöperation, as this shows. On the other hand, he could hardly exaggerate the utter necessity of such coöperation. Most of his book is an attempt to translate into

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terms of human beings the realities of contemporary Soviet life, deed and thought. He has an eye for pertinent detail, an ear for conversation, a puckish sense of humor and a distinct way with people. He was always prying into the nooks and byways of Moscow, willing to try out his Russian on anybody (including Molotov), dashing off to Soviet boxing matches, horse races, chess games and weight-lifting exhibitions. He had more zest for his assignment than any other correspondent in Moscow. As a result, he has written an honest and heart-warming book that does not pretend to know all the answers, but adds considerably to our understanding of Russia.

An array of fascinating Soviet characters fills the pages. They include soldiers, scientists, aviators, party leaders such as the fabulous Mike Kulagin of Novosibirsk, architects, movie directors, writers, workmen, a woman army doctor who believes only in "Stalin and science," the husband and wife who bought a tank and went off to fight in it, and the 14-year-old Red Army dispatch carrier who was a veteran of Stalingrad, who came out of the fifth grade and wouldn't go back because nothing in school could interest him any longer.

These people, their sacrifices and suffering, their destroyed cities, their revenge on the Germans, their reconstruction, and their faith in the future are movingly portrayed by Mr. Lauterbach in a series of episodes which take him from Moscow to Leningrad, just after the lifting of the siege; to liberated Odessa with its heroic catacombs army; to the Kharkov trial and the execution of three German soldiers and a Russian traitor; to Katyn Forest and the murder factory at Maidanek, Poland; and to the land beyond the Volga, on the same trip to the Urals and Central Asia that W. L. White made, although it certainly doesn't sound like the same trip here, despite the fact that the two were roommates.

These Are the Russians suffers from two major errors of omission, however. Mr. Lauterbach makes the important point that not Russianism, as so many people seem to believe, but Sovietism, is Russia's driving force, and that the Communist Party, more than anything else, was responsible for the Russian victory. The reviewer agrees (in fact, we talked about it quite a lot in Moscow), but Mr. Lauterbach does not go deep enough to be convincing. He has failed to show the Communist Party in action in Russia on any of its many fronts. A portrait of a man like the late Alexander Shcherbakov, the Moscow party "boss," would have been more useful than the customary "profile" of Stalin, good as that is here.

The second shortcoming of the book is its failure to convey adequately the impact of Central and Western Europe upon the entering Red Army. Admittedly, the Russians dropped a curtain over their activities in the occupied areas, and no American correspondents have yet been permitted there. But enough has appeared in the Soviet press to show that the impact was considerable in both directions, and Mr. Lauterbach should not have cited the first, limited stages of Russian occupation at Botoshani (Rumania) and Lublin as typical of what came later. ALEXANDER KENDRICK

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THESE ARE THE Russians

by
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Whey Down South

A Lion Is in the Streets, by Adria Locke Langley. New York: Whittlesey House. 482 pages. $3.
Border City, by Hart Stilwell. New York: Doubleday, Doran and Company. 276 pages. $2.50.

BOTH THESE BOOKS are about the South. *A Lion Is in the Streets* has its setting in the "Magnolia State," which is identifiable as Louisiana; and *Border City* takes place in a Texas town on the Mexican border. Each tries to get at and vivify, through the projection of characters in a story, a set of attitudes, with their consequent responses in action, an atmosphere and a milieu that in some cases breed fascism, and in others arouse respect for human suffering and a love of human equality. Both books purport to show how imperfect is the practice of democracy. Both are novels. Here all similarities end.

A Lion Is in the Streets is a splash of drunken color, and as one puts the book down one marvels that his hands do not ooze gold and purple and crimson and jade. One marvels also that Mrs. Langley is not a painter. Her gifts seem much better suited to the art of painting than to the discipline of writing. As a writer she contrives, she forces, she wastes, she falsifies. Probably the reason she does all this is that she wrote her book with both eyes on Hollywood. Prodigal of types, she wrote in parts for at least two dozen stars.

Unfortunately, the best things in the book will never come to the screen. The movies can do the story of Hank Martin, for which the author drew heavily upon the life and times of Huey Long. How the poor cracker, Hank, rose from humanity-loving peddler to humanity-despising Governor of the Magnolia State will be easy to do—and so will most of the stock characters who people the tale. It's a

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commonplace story, and it is credible enough until we come to the unbelievable end. But no film can give us the occasional flashes of deep insight and the occasional truth of feeling of Verity Martin, Hank's patient and strong and altogether driven wife. They come all too seldom, but they are good things in the book.

No film will even try to give us Hart Stilwell's *Border City*. His book is not the stuff of which movies are made. If one can excuse the too conscious imitation (Hemingway has much to answer for), *Border City* is a good book. It is a good book because it broadens the experience of the average reader, and because—in spite of the blurb—the author makes no attempt to encompass more than his story has to give. Parts of that story, as story, are sharply written. All of it is well, though sometimes verbosely, told. But it was not told for the movies. Middle-aged, wealthy, lecherous white men do not rape Mexican servant girls for all to see. Young and personable and justice-loving white men do not fall deeply enough in love with *mestizas* to want to marry them before movie audiences. And these are the central situations in *Border City*.

Hart Stilwell works with them honestly. Dave Atwood, the principal character, is alive at first only in the Hemingway sense, but later, fighting the corruption of politics and the obscene power of wealth and the craven fear of conservatism, he comes alive in the Biblical sense—that is, he becomes a living soul. Chelo Moreno, the Mexican servant girl, whose rape begins the exposure of twisted racial prejudices and the imperfections of American faith in the American dream, is good to know; and when, in the closing scene, as Dave Atwood holds her in his arms and thinks how a whole river flows between them, the reader has a vast hope (which is proof of their hold upon him) and a hopeful belief (which is the test of the story's strength) that the river will not always flow between them—or if it flows, that bridges soon will span it.

J. SAUNDERS REDDING

A Reader's List

INTERNATIONAL TRIBUNALS, by Manley O. Hudson (Brookings Institution, $2.50). If international law is to be successful in the postwar world, its extension to disputes previously considered "political" and hence outside of the framework of international institutional justice is mandatory. The Dumbarton Oaks plan proposes the judicial settlement of international disputes and the establishment of an international court. However, the details are not worked out. This little volume, simply written to serve as a guidebook for the layman, is a timely contribution to the discussion. Judge Hudson, American member of the old Hague Court of International Justice, surveys the field of international law from the Jay Treaty of 1794 to the most recent pacts. He discusses the structure of international tribunals, their membership, administration, financing, jurisdiction, procedure, the nature of decisions and their enforcement. He deals with arbitration, mediation and adjudication, price courts, criminal courts and claims tribunals.

THE POSTWAR WORLD: The Merrick Lectures, 1944 (Abingdon-Cokesbury, $2). This book reprints the lectures presented last year by a group of well known social scientists at Ohio Wesleyan University. Among the speakers were Robert S. Lynd, T. A. Bisson, Francis Sayre, Vera Micheles

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Dean and John L. Childs. The topics ranged from the Treaty of Versailles to international organization and the treatment of Germany and Japan after this war. The discussions must have been very uneven in quality. Professor Hastings Eels, for example, warns that "Communism was a menace to world peace in 1919; it was one of the chief causes of this war; and it must be dealt with vigorously or it will cause further bloodshed." Professor Lynd's lecture fortunately offsets this brand of reasoning. His paper, the clearest and the most incisive of the group, questions whether those who now hold power will want to build a brave new world. "A direct, continuous and fundamental threat to the whole structure of democratic authority . . . that power will take over state power and run the nation primarily for the goals of big business [unless] the democratic state will take over the economy, socialize it and run it for the welfare of the mass of the people." That, at least, is plain speaking about basic issues.

THE RECONSTRUCTION OF WORLD AGRICULTURE, by Karl Brandt (Norton, $4). Professor Brandt's readable volume is an outstanding study of the agricultural situation today. The author voices a number of strong opinions, yet adversaries will find it difficult to refute the vast documentation found here. World agricultural experience from 1918 to the present day is delineated with much erudition; patterns of land use, farm yields, food-supply statistics and trade data effectively tell their compelling story of frustration and heartbreak. Attempts to use monopoly and market controls in agriculture were bound to fail in a world of industrial chaos, says Dr. Brandt. Only a rationalized integration with industry can remove the stigma of backwardness which now afflicts agriculture. There is no special pleading here; rehabilitation implies coördination and balance between the farm and the industrial sector. And this, Professor Brandt emphasizes, demands diversity in farming, a free flow of trade and smaller producing units. His book is unquestionably worth reading.

PRIDE'S WAY, by Robert Molloy (Macmillan, $2.75). Mr. Molloy, the book-review editor of the New York *Sun*, has written an unpretentious novel that is completely successful. It is a tender satire, fresh and deft, about two elderly sisters of Charleston, South Carolina, in 1910. Miss Tessie and Miss Julie are motivated by a kind of pride that makes their relations with their family both humorous and tragic. Miss Tessie's religion becomes more and more eccentric (they would never call it paranoiac), and her son-in-law has to cater to her pride as well as his own to save his face and preserve her life. The fragile humor is delightful.

THE MUSIC IS GONE, by LeGarde S. Doughty (Duell, Sloan and Pearce, $2.50). This is a simple story of a country doctor in Georgia who cures minds as well as bodies. Because of his generosity Dr. Will Gray enables two children of his poor community to have careers, one in medicine and the other in music. These two people embody the doctor's philosophy of making art and life of the science of medicine. Mr. Doughty has a polished style, but it lacks vigor. The book is thin because of the wealth of material left untouched in the doctor's own life, in the problems of the community, and in his friends. The characters, however appealing, are flat, and the emotional tone is always the same, gentle and unmoving.

Crime and Punishment

SCARECROW, by Eaton K. Goldthwaite (Duell, Sloan and Pearce, $2). The thesis is a dandy: Which of two marines, the young heir to the Kendall millions or the mill-worker Bill Stanczyk, has returned—so altered as to be unrecognizable—from the war in the Pacific to quiet old Sudwich, Connecticut? The murder of a man who is involved with young Kendall's wife and the fatal stabbing of the girl Stanczyk left behind him add to the complications. The auspicious beginning gives way to some pretty harum-scarum antics, but the author is worth watching.

LAY THAT PISTOL DOWN, by Richard Powell (Simon and Schuster, $2). Once again Arab Blake's love of firearms starts her on the warpath, with Andy reluctantly trailing. And, of course, it just so happens that the eighteenth-century coach pistol Arab buys at an auction contains the secret formula for a process that will revolutionize steel production. Andy, forced willy-nilly into a series of violent actions, is at his sardonic best, and Arab and a red-haired menace named Kit do some nice verbal sparring, but the story suffers from the haywire plot. It's time Mr. Powell decided whether he's going to go in for murder or madness.

E. H.

Contributors

John P. Frank, a member of the Wisconsin bar, received his law training at the University of Wisconsin and as a Sterling Fellow at Yale Law School. He has been associated with various government agencies and has written on legal subjects, particularly Supreme Court history, for law reviews. He expects to teach Supreme Court history after the war.

Leo P. Crespi is an instructor in Psychology on the faculty of Princeton University. At present he is working on a book dealing with a psychological analysis of conscientious objectors and their social contexts.

Thomas F. Reynolds has been White House correspondent for the Chicago *Sun* since that paper was founded. Before that he was for some years White House correspondent for the United Press.

Fleet Street is the pseudonym of a London journalist and publicist.

Philipp Loewenfeld, a member of the Munich bar since 1918, has specialized in constitutional, press, labor and criminal law and appeared as counselor in important political trials, including many against Hitler and other Nazi leaders. He left Germany in March, 1933, and is now a New York business executive. Mr. Loewenfeld became an American citizen in 1944.

Peggy Flint, department-store copywriter and editorial assistant for the Writers' War Board, writes that she is "camp-following in Florida" with her Air Corps husband.

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